Section III

Standard Operating Guidelines

Revised January 1, 2017
## Mayodan Police Department Policy Manual

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I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers with basic guidelines for conducting arrests.

II. POLICY

It is the policy of this Department that all arrests made by departmental personnel shall be conducted professionally and in accordance with established legal principles. In furtherance of this policy, all officers of this Department are expected to be aware of, understand, and follow the laws governing arrest. This policy sets forth the fundamentals of the arrest procedure.

III. DEFINITIONS

- **Arrest**: Taking a person into custody.
- **Arrest Warrant**: A written order issued by a Judge, Magistrate, or other proper authority that commands a Law Enforcement Officer to place a person under arrest.
- **Probable Cause for Arrest**: When facts and circumstances within an officer’s knowledge are sufficient to warrant a prudent person, or one of reasonable caution...in believing that the suspect has committed, is committing, or is about to commit an offense. [Michigan v. DeFillippo, 443 U.S. 31 (1979)]
- **Investigative Detention**: Temporary detention for investigative purposes of a person based upon reasonable suspicion that the person has committed, is committing, or is about to commit a crime, under circumstances that do not amount to probable cause for arrest (also known as a Terry stop).
- **Reasonable Suspicion**: The degree of suspicion of criminal activity that justifies an investigative detention but not an arrest.
- **Citizen Contact**: A consensual encounter between a Police Officer and a citizen that may be initiated by the officer for any reason and during which the citizen is free to leave at any time.
- **Exigent Circumstances**: Conditions, facts, or events that call for immediate aid or
action. Law Enforcement Officers invoke ‘exigent circumstances’ in cases where they will be unable or unlikely to make an arrest or search and seizure for which probable cause exists unless they act swiftly and without seeking prior judicial authorization. Such emergency situations are those that ‘would cause a reasonable person to believe that entry (or relevant prompt action) was necessary to prevent physical harm to the officers or other persons, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.” (United States v. McConney, 728 F.2d 1195, 1199 (9th Cir.), cert. denied, 469 U.S. 824, 105 S. Ct. 101 (1984)

**Weapons Display:** Drawing a handgun, readying a shotgun, TASER, or similar firearm for quick use if needed without pointing it at a suspect.

### IV. PROCEDURE

#### A. Basis for Arrest

Officers shall conduct arrests only when based upon one of the following:

1. Probable Cause
2. An Arrest Warrant

#### B. Probable Cause

Probable cause for arrest may be established by one of the following:

1. Observations of the Officer.
2. Information or evidence obtained during an investigative detention (Terry stop) or during a consensual citizen contact.
3. An identified citizen's specific complaint.
4. Information provided by a Police informant of proven reliability.
5. Information provided by other law enforcement sources.

Officers shall not make any arrest based solely upon the following:

1. Information received from an anonymous source.
2. Mere suspicion, not amounting to probable cause.

#### C. Arrest Warrants

Except when a warrant-less arrest is justified by the existence of probable cause, arrests shall be made under an arrest warrant. Arrest warrants shall be obtained from the Judge, Magistrate, or other legal authority empowered to issue such warrants in
this jurisdiction.

Such warrants shall be in the form prescribed by the law of this jurisdiction and shall adequately identify the person to be arrested. The warrant shall also provide such other information as is required by law.

Any officer to whom an arrest arrant is delivered shall examine it to ensure that it is in proper form, that all information required by law is provided, and that the warrant is valid on its face. The officer shall also take note of any restrictions placed upon the arrest by the language of the warrant.

Once received, an arrest warrant shall be executed without delay, except as otherwise may be required by the circumstances of the case. No arrest shall be made at a time or in a manner contrary to any express limitations upon the scope or language of the warrant.

In addition, no arrest shall be made in a manner or at a time or place prohibited by any of the following:

1. Departmental regulation.
2. State or local legislation.
3. Applicable court decisions.

D. Arrest Procedures

1. Arrest Planning:
   a) Wherever possible, arrests shall be planned in advance in consultation with a supervisor or other experienced officers.
   b) Where advance planning and consultation is not possible, the arrest shall be made in accordance with the arresting officer’s departmental training in arrest procedures.

2. Location, Timing, and Manner of the Arrest:
   Arrests shall be made at a time and place and in a manner that will maximize the probability of a successful arrest and minimize the danger to officers and innocent bystanders.

3. Informing Arrestee:
   The arresting officers shall identify themselves, inform the suspect of his or her arrest, and specify the charges for which the arrest is being made. Officers not in uniform shall display their shields and credentials when making the arrest to ensure proper identification.

4. Use or Show of Force During an Arrest:
   a) Officers shall use only that level of force that they reasonably believe is necessary to make an arrest in accordance with this Department’s Use of
b) Weapons shall be displayed during an arrest only where it is reasonably believed necessary to ensure the safety of the officers or others and the successful completion of the arrest. Pointing a firearm at a suspect is governed by this agency’s use of force policy.

5. Safety Precautions:

Officers shall approach every arrest situation with the knowledge that any arrest, regardless of the offense involved may present an element of danger. Therefore, officers making arrests shall take all reasonable precautions to ensure the safety of the arresting officers. These precautions shall include the following:

a) Restraint of the Arrestee. (See Below)

b) Search of the Arrestee. (See Below)

c) Protective sweeps of the premises or area where the arrest occurs to ensure that no other persons or weapons are present that may represent a danger to the officers or the arrestee.

6. Arrestee Requests:

Following the arrest, officers shall not normally permit arrestees to leave the immediate area of the arrest for personal purposes (e.g., to get a coat). In exceptional cases where it is deemed necessary to grant the arrestee’s request, the arrestee shall first be searched for weapons and then be accompanied and closely monitored by the arresting or other officers.

E. Location of Arrest

1. Public Safety:

Whenever possible, arrests shall be made in a location where the arrest will not pose a threat to the safety of the public.

EXAMPLE A crowded place where bystanders may be injured should the arrestee offer resistance, particularly resistance involving the use of firearms.

2. Arrests on Private Premises Belonging to Third Parties:

No officer shall enter premises owned or occupied by a third person to make an arrest unless the officer has a separate legal basis for entering the premises. Such a basis may be provided by any of the following:

a) Possession by the officer of a search warrant for those premises.

b) Consent of a person empowered by law to give such consent.

c) Exigent circumstances.

F. Restraint of Arrestees
1. All arrested persons shall be handcuffed after being taken into custody, except as otherwise provided by departmental policy.

2. Other lawful forms of restraint may be used when necessary and reasonably available for the safety of officers, prisoners, and others.

3. Arrestees shall not be restrained in the four-point restraint unless the arrestee is uncontrollable by other means readily available. A four-point restraint is defined as the hands and ankles bound behind an individual's back. If a four-point restraint is deemed necessary, the arrestee shall be placed on his or her side once bound and monitored for potential physical problems such as difficulty in breathing.

G. Post-Arrest Protection of Officers, Arrestees, Victims, and Bystanders

Officers shall be aware that, following an arrest, they are legally responsible for the safety of the arrestee, any victims present, and all bystanders. Therefore, officers shall take all steps reasonably necessary to protect

1. The officer from the arrestee,
2. Victims and third persons from the arrestee, and
3. The arrestee from self-injury or injury by others.

In particular, officers shall not allow victims into close proximity with the arrestee, and shall prevent bystanders from approaching the arrestee until the arrestee is transported from the scene. In addition, officers shall not allow the arrestee out of their immediate presence for any reason until the arrestee is properly secured and transported.

H. Search Incident to Arrest

1. Officers shall conduct a thorough search of the person arrested.

2. Any criminal evidence discovered during the search of the arrestee’s person shall be seized and preserved in accordance with standing departmental procedures.

3. An officer may not search a vehicle incident to arrest of an occupant unless:
   a) The arrestee is unsecured; AND
   b) The arrestee is within reaching distance of the passenger compartment at the time the search is conducted; OR
   c) The officer reasonably believes that he/she will find evidence in the vehicle which is relevant to the crime for which the occupant is being arrested.

4. In order to search a vehicle after arrest of an occupant, officers must have a search warrant or an exception to the warrant requirement to search the vehicle. Those exceptions include:
   a) Reasonable suspicion that any occupant of the vehicle is dangerous and
might access the vehicle to gain immediate control of a weapon; OR

b) Probable cause to believe that the vehicle contains evidence of criminal activity.

5. Strip searches shall not be conducted in the field except under the most extreme circumstances and with prior approval from a supervisor. Any officer conducting a strip search of an arrestee in the field shall be prepared to justify the reasons for such a search and to document those reasons in a subsequent written report.

6. Body cavity searches shall not be conducted in the field.

7. Whenever possible, searches incident to arrest shall be conducted by officers of the same gender as that of the person being searched.

I. Interrogations Rights

1. Arrestees shall be advised of their Miranda rights before any questioning.

2. A waiver of the Miranda rights must be obtained before any questioning of an arrestee.

3. If the arrestee has not waived his or her Miranda rights, no questioning shall be conducted beyond that necessary to accomplish the booking procedure. *(Name, Address, Etc.)*

4. If the arrestee declines to waive his or her Miranda right to counsel, or if the arrestee, after waiving that right, elects to reassert it, questioning must cease immediately and no further questioning may be conducted unless:
   a) An attorney representing the arrestee is present, or
   b) The arrestee voluntarily initiates a further interview.

5. If the arrestee has not waived his or her Miranda rights, then even though the arrestee is not being directly questioned officers shall refrain from engaging in conversation among themselves in the presence of the arrestee that is calculated to elicit incriminating statements or admissions from the arrestee.

J. Transportation of Arrestees

1. All arrestees shall be searched before being transported.

2. All arrestees shall be handcuffed or otherwise restrained during transportation in accordance with departmental policy.

3. Before an arrestee is transported, the area of the transporting vehicle to be occupied by the arrestee shall be searched for articles, including articles that may have been left behind by previous arrestees that may present a hazard to the transporting officers.

4. Security devices in the transporting vehicle, such as door locks and security
screens, shall be checked to be certain that they are operating properly.

5. Officers shall seat arrestees in the vehicle in accordance with departmental policy.

6. All arrestees shall be safely restrained with seat belts.

K. Off-Duty Arrests *(Note: See 5.23 Off-Duty Conduct: Powers of Arrest)*

L. Arrest of Juveniles *(Note: See 3.03 Juvenile Operations)*

All officers shall be aware that the arrest, transportation, and booking of juveniles are subject to special legal requirements. Officers shall be familiar with and observe these special requirements at all times when arresting juveniles.

M. Arrest of Departmental Members

When arresting a member of their own department, officers shall:

1. Take all precautions and follow all procedures as provided by departmental policy.

2. Notify the arresting officers’ supervisor of the arrest of a departmental member.

N. Citation in Lieu of Arrest

Officers shall issue citations in lieu of arrest in all situations where citation is directed by law. In situations where citation is discretionary, officers shall consider the following:

1. Whether the person is likely to disregard a citation.

2. Whether the person, if cited and released, is likely to cause harm to himself or herself or any other person.

3. Whether there are other factors that should be considered and are permitted by law and departmental policy.

O. Release After Arrest

If, after an arrest, it becomes apparent that there is no probable cause to hold the arrestee, the arrestee may be released, under the following conditions:

1. The officer is satisfied that there are insufficient grounds for making a criminal complaint against the person arrested.

2. The decision shall be made by a supervisor.

3. If the person is released, police shall ensure that the person is released at a safe location and is not otherwise placed at risk as a result of the incident. If necessary, police should provide transportation for the released person to a safe location.

4. Any record of arrest of a person released shall include a record of release that
classifies the incident as a ‘detention’ rather than an arrest.

P. Investigative Detention Versus Arrest

All officers shall be aware of the distinction between investigative detention and arrest.

1. Officers shall conduct an investigative detention based upon reasonable suspicion that the person detained has committed, is committing, or is about to commit a crime.

2. Officers shall not prolong the investigative detention beyond the period necessary to accomplish the purpose of the detention. Officers shall be aware that prolonging an investigative detention unnecessarily may cause a court to view the detention as an actual arrest.

3. Officers shall take precautionary measures for their own safety during an investigative detention, including display of firearms or handcuffing the detainee. Officers shall be aware that unnecessary or prolonged display of firearms, handcuffing, and so on during the investigative detention may cause a court to view the detention as an actual arrest.

4. Officers who reasonably believe that a person under investigative detention may pose a threat to their safety shall conduct a frisk or pat-down search of the detainee’s clothing for weapons. Officers shall not conduct any further search of an investigative detainee unless and until it appears that there is probable cause for the arrest of the detainee.

5. If during the investigative detention, it becomes apparent that there is probable cause to believe that the detainee has committed a criminal offense, the detainee shall then be placed under arrest, and the procedures for arrest set forth in this policy, including the procedures for a search incident to an arrest, shall then be followed by the arresting officers.

Q. Discretion

1. Officers are vested with a broad range of discretion in deciding when to make an arrest. The proper exercise of discretion does not relieve an arresting officer of the responsibility to conduct a thorough preliminary investigation of events precipitating the arrest.

2. Officers are authorized and encouraged to use alternatives to arrest and/or pre-arraignment confinement when, based upon their discretion, such action is in the best interest of the public, the parties involved, and the criminal justice system. These alternatives include:

   a) Citation and summons in lieu of physical arrest.

   b) Conflict resolution between complainant and defendant.

   c) Referral to human service agencies.

   d) Verbal and written warnings.
3. Alternatives to arrest should be considered in the following types of incidents:
   a) Shoplifting.
   b) Other non-violent misdemeanors.
   c) Criminal traffic violations.
   d) Situations bordering on a criminal/civil threshold.

4. When determining whether to apply alternatives to physical arrest, officers should consider the following criteria, in addition to other mitigating and aggravating circumstances:
   a) The defendant's ability to provide positive identification to the officer.
   b) The age of the defendant.
   c) The location of the defendant's residence.
   d) Any criminal history of the defendant.
   e) The defendant's cooperative or uncooperative behavior.
   f) The defendant's degree of intoxication and/or mental impairment and ability to comprehend the nature or quality of the act.

5. Supervisors will review the use of alternatives to arrest by subordinates to ensure their appropriate use. When necessary, supervisors will counsel personnel concerning any improper decisions.

R. Pretrial Release

For non-capital offenses, certain defendants may be eligible for pretrial release in accordance with North Carolina General Statutes 15A-532 through 535. Release on personal recognizance may be made based upon a judicial official's evaluation of the following conditions:

1. Length of residence in the community.
2. Employment record.
3. Record of appearance at court proceedings.
5. Financial resources.

S. Detention by Private Citizens

When a private citizen detains a suspect, the responding officer will document the event and take the following steps, as applicable:

1. For felonies, the officer will:
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a) Take the suspect into custody.
b) Take a complete statement from the citizen.
c) Make application for the appropriate legal process document, using the proper exercise of discretion.
d) Process the suspect according to departmental directives.

2. For misdemeanors, the officer will:
   a) Take the suspect into custody.
   b) Advise the citizen to apply for a warrant and process the suspect according to Departmental policies.
   c) If the citizen refuses to apply for a warrant and the officer has legal authority to arrest for the misdemeanor, decide whether to charge the suspect; If charging the suspect, obtain the appropriate information from the citizen in order that he/she may be subpoenaed.
   d) If the citizen refuses to apply for a warrant and the officer does not have legal authority to arrest, release the suspect and record all relevant information in the Incident Report.

T. Assistance to Unconscious Persons

When an officer arrests a person who is unconscious, semi-conscious, or otherwise apparently suffering from a disabling condition, the officer will make a reasonable effort to determine if the person is wearing a bracelet or necklace containing the Medic Alert Foundation symbol. If this symbol is found, the officer will make a reasonable effort to have appropriate medical care provided. Whenever a person is experiencing any type of medical problem, the officer should summon emergency medical personnel as soon as it is practical to have the person evaluated.

U. Military Deserters

Officers may detain an individual based upon information obtained from the appropriate branch of the United States military and the National Crime Information Center (NCIC). This detention is not an arrest.

To substantiate an arrest, the military unit that entered the deserter must be contacted to verify that the individual is presently wanted for desertion and is subject to apprehension. Once this verification is completed, the National Crime Information Center confirmation and the subject will be taken to the magistrate’s office. A Service Without Process form will be completed in triplicate and presented to the magistrate. All necessary departmental reports will be filed, including custody reports.
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MAYODAN POLICE DEPARTMENT
Use of Force Policy and Procedures
Number 1.02
Effective Date: January 1, 2014 Reevaluation Date: January 2018

I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers of this agency with guidelines for the use of deadly and non-deadly force.

II. POLICY

It is the policy of this law enforcement agency that officers use only the force that reasonably appears necessary to effectively bring an incident under control, while protecting the lives of the officer and others. It must be stressed that the use of force is not left to the unfettered discretion of the involved officer. This is not a subjective determination. The use of force must be objectively reasonable. The officer must only use that force which a reasonably prudent officer would use under the same or similar circumstances.

III. DEFINITIONS

- **Deadly Force**: Any use of force that creates a substantial risk of causing death or serious bodily harm.
- **Non-deadly Force**: Any use of force other than that which is considered deadly force. This includes any physical effort or deployable devices used to control or restrain another, or to overcome the resistance of another.
- **Objectively Reasonable**: This term means that, in determining the necessity for force and the appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject, and the danger to the community.

IV. CASE LAW

The following cases and statutory laws govern all aspects of this policy listed herein.


1. “The test of reasonableness under the 4th Amendment is not capable of a precise definition or mechanical application... Its proper application requires careful attention to the facts of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the officer or others and whether or not he is actively resisting arrest or attempting to evade arrest by flight....”
2. “The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight....”

3. “The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments - in circumstances that are tense, uncertain and rapidly evolving - about the amount of force that is necessary in a particular situation.”


“Apprehension by the use of deadly force is a seizure subject to the Fourth Amendment’s reasonableness requirement. To determine whether such a seizure is reasonable, the extent of the intrusion on the suspect’s rights under that Amendment must be balanced against the governmental interests in effective law enforcement. This balancing process demonstrates that, notwithstanding probable cause to seize a suspect, an officer may not always do so by killing him. The use of deadly force to prevent the escape of all felony suspects, whatever the circumstances, is constitutionally unreasonable.”

V. PROCEDURES

A. Use of Deadly Force  N.C. General Statute §15A-401(d)

1. Law enforcement officers are authorized to use deadly force when one or both of the following apply:

   a) To prevent the escape from custody or to effect an arrest of a person who he reasonably believes has committed a criminal offense, unless he knows that the arrest is unauthorized; or

   b) To defend himself or a third person from what he reasonably believes to be the use or imminent use of physical force while effecting or attempting to effect an arrest or while preventing or attempting to prevent an escape;

2. A Law Enforcement Officer is justified in using deadly physical force upon another person for a purpose specified in subdivision (1) of this subsection only when it is or appears to be reasonably necessary thereby:

   a) To defend himself/herself or a third person from what he/she reasonably believes to be the use or imminent use of deadly physical force;

   b) To affect an arrest or to prevent the escape from custody of a person whom he/she reasonably believes is attempting to escape by means of a deadly weapon or who by his/her conduct or any other means indicates that he/she presents an imminent threat of death or serious physical injury to others unless apprehended without delay.

   c) Where practicable prior to discharge of the firearm, officers shall identify themselves as Law Enforcement Officers and state their intent to shoot.
N.C.G.S. §15A-401(c) (2).

B. Deadly Force Restrictions

1. Officers may use deadly force to destroy an animal that represents a threat to public safety or as a humanitarian measure where the animal is seriously injured, when the officer reasonably believes that deadly force can be used without harm to the officer or others.

2. Warning shots are not permitted.

3. Firearms shall not be discharged at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle.

The moving vehicle itself shall not presumptively constitute a threat that justifies an officer's use of deadly force. An officer threatened by an oncoming vehicle shall move out of its path, if applicable, instead of discharging a firearm at it or any of its occupants. Reaction time, distance to vehicle, pedestrian and/or traffic conditions or the driver's actions may constitute a deadly force situation.

4. Firearms shall not be discharged from a moving vehicle unless it is readily apparent that the situation requires such an action; and that the time needed to stop the officer's vehicle was not afforded by the imminent threat or situation.

C. Use of Non-deadly Force

1. Where deadly force is not authorized, officers may use only that level of force that is objectively reasonable to bring an incident under control.

2. Officers are authorized to use department-approved, non-deadly force techniques and issued equipment when one or more of the following apply:
   a) To protect the officer or others from physical harm;
   b) To restrain or subdue a resistant individual; and/or
   c) To bring an unlawful situation safely and effectively under control.

D. Reporting Requirements

1. Officers shall complete a Use of Force Report for any incident in which force is used against another. This includes the actual use of a department issued weapon or when a department issued weapon is displayed as a show of force.

   a) The Use of Force Report is used primarily to collect data and other statistical information on related events.
   b) The report narrative sections will be used to elaborate or explain in greater detail the intimate details of a Force Incident.
   c) Copies of all reports involving Use of Force will be reviewed by the involved officer's supervisor. A copy of the report must be forwarded to
the Chief of Police or his designee.

2. Use of Force Review

   a) The Captain of Police will conduct a thorough review all control events and forward the file, his or her findings and conclusions to the Chief of Police.
   
   b) The Chief of Police will also review the event file and add his or her findings and conclusions.
   
   c) The Chief of Police may also appoint a Use of Force Review Board to review the event and forward their findings.
   
   d) The Board will have access to all available documents, information, evidence and other material relevant to the event.
   
   e) The Board may also conduct interviews with officers and/or witnesses involved with the event.

E. Training

   In addition to training required for firearms qualification, officers shall receive agency-authorized training designed to simulate actual shooting situations and conditions and, as otherwise necessary, to enhance officers' discretion and judgment in using deadly and non-deadly force in accordance with this policy.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers of this agency with guidelines for the use of Conducted Electrical Weapons (CEW).

II. POLICY

It is the policy of this law enforcement agency that officers use only the force that reasonably appears necessary to effectively bring an incident under control, while protecting the lives of the officer and others. It must be stressed that the use of force is not left to the unfettered discretion of the involved officer. This is not a subjective determination. The use of a CEW must be objectively reasonable. The officer must only use that force which a reasonably prudent officer would use under the same or similar circumstances.

III. DEFINITIONS

Non-deadly Force: Any use of force other than that which is considered deadly force. This includes any physical effort or deployable device used to control or restrain another, or to overcome the resistance of another.

Objectively Reasonable: This term means that, in determining the necessity for force and the appropriate level of force, Officers shall evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject, and the danger to the community.

Electronic Control Devices: A device that uses propelled wires or direct contact to conduct energy to affect the sensory and motor functions of the human nervous system. (TASER)

Neuro-Muscular Incapacitation: The stimulation of the peripheral nervous system by causing direct stimulation of motor nerves contracting muscles. (NMI)

IV. PROCEDURES

A. Operational Theory

'The TASER CEW sends out short duration, high voltage electrical impulses that overpower the normal electrical signals within the nerve fibers. The TASER output is similar to the signals used by the nerves. These waves create extra “noise” within the nervous system of the human body.'
B. Deployment

The TASER device may be used by an officer to effectively stop an assault or threatening behavior by establishing physical control over a resistant person. The TASER will assist an officer in establishing and maintaining a greater degree of physical control over a detainee/arrestee, minimizing the detainee/arrestee’s ability to present a physical threat to the officer and others. The TASER CEW provides a force option that has a reduced likelihood of causing permanent bodily injury.

1. The TASER may be deployed when an officer, trained to use the TASER, reasonably believes that a lesser degree of force is inadequate to:
   a) Control a person who is threatening suicide with a deadly weapon that possess a threat to the officer’s safety, or that of a third party, during the encounter;
   b) Disarm or disable a person who is armed with a deadly weapon and who is engaging in illegal or dangerous behavior that possess a threat to the officer’s safety, or that of a third party, during the encounter;
   c) Prevent injuries to officers or citizens while performing crowd-control or while encountering riot conditions;
   d) Control a violent person or a person threatening imminent violence, whereby their actions pose an immediate threat of harm to the officer or a third party;
   e) Control a person who is actively resisting arrest by use of physical force that endangers the officer of a third party.

(NOTE: In Armstrong v. Village of Pinehurst, TASER use is unreasonable force in response to resistance that does not raise a risk of immediate danger.

2. When deploying the TASER device utilizing a TASER cartridge, Officers should aim below center mass on a person’s frontal torso. Officers shall not intentionally target sensitive areas such as the head, throat or center torso area.

3. When deploying the TASER device utilizing it as a ‘Drive Stun’ CEW, Officers should target vulnerable pain compliance locations such as the thighs, forearms, calves, back, buttocks and other large muscle groups.

4. Officers should make every attempt to avoid sensitive areas when using the TASER device as a ‘Drive Stun’ CEW. Officer should avoid the face, throat and groin area.

5. Officers are allowed to ‘Drive Stun” a person with an expended cartridge on the TASER CEW device.

6. The TASER will be deployed according to the manufacturer’s instructions and in conformance with Departmental training. Prior to deploying the TASER, officers will:
a) Ensure the Digital Power Magazine (DPM) is charged by checking the Central Information Display (CID). It is important to change the DPM when the percentage is 20%. A new DPM will be issued to officers to use from 99% to 20%. Once the DPM reaches 20%, it will be taken out-of-service and used for training to 0%.

b) Inspect each TASER cartridge to ensure that it has not been damaged and is installed correctly onto the TASER device.

c) Officers of the Department are required to carry the TASER CEW on the opposite side of their duty weapon and in a holster specifically designed for the TASER.

d) Ensure no flammable liquids or gases are present during a TASER deployment.

7. Prior to the deployment of the TASER, if circumstances allow it without risk to the safety of other officers and citizens, the officer should use verbal commands directed at a person to obey police orders and cease illegal or dangerous behavior.

8. Officers are permitted to use the TASER device, while activating the laser sight and flashlight in combination with verbal command, or activate the ‘Stun’ feature, as a means to persuade persons to cease any illegal or dangerous conduct.

9. Officers of the Department are required to perform a “Spark Test” at the beginning of each shift. This is a requirement and a recommendation from TASER International, Inc. Failure to do so may result in a delay of power to the device’s circuitry. A “Spark Test” should be one (1) five (5) second cycle. During this cycle, the officer should inspect the device for any malfunctions or warnings.

C. Training

Mandatory training is required before the TASER device is issued to an officer.

1. Each officer must successfully attend and complete this agency’s training course.

2. The training material shall be approved course materials provided by TASER International, Inc.

3. The instructional course material must be current based on TASER International’s updated version software and taught by a certified TASER International, Inc. Instructor.

4. Based on TASER International Inc., officers shall receive a minimum of six (6) instructional hours prior to certification.

5. Officer certifications are good until December 31st of the following year.

D. Post-Exposure Procedures

Following deployment of the TASER, officers may remove the probes from the body of a person. Probe removal must be conducted using all available ‘Universal Precautions’
to prevent exposure to blood borne pathogens. Probes will be removed following these steps:

1. Secure the skin area by placing your hand in a "L" shape approximately six (6) inches from the probe site.

2. Using counter pressure with one hand, remove the probe with the other hand by pulling it outward from the impact site at a 90 degree angle.

3. Dispose of the probes in a sharps container or point downward in the TASER cartridge.

4. If permissible, wipe the probe site with an alcohol swab and place an adhesive bandage over the site.

5. If necessary, call Emergency Medical Services to evaluate the probe sites or any secondary injuries that may have occurred following deployment.

6. Any probe that makes impact on a person’s head, face, neck, spine, breast, groin or any other sensitive area should be evaluated by EMS and possibly transported to a local medical facility for probe removal.

7. Photographs of probe sites and injuries sustained as a result of a TASER deployment should be taken and documented in the Arrest Report, Use of Force Report and the TASER Supervisor Use Report.

8. If permissible, the Supervisor or his designee will collect and place into evidence several Anti-Felon Identification (AFID) tags from the scene. AFID tags are small, oblong confetti-like identification tags that are printed with the serial number of the cartridge fired. These tags are dispersed each time a TASER cartridge is deployed, which will allow identification of the officer who deployed the cartridge.

E. Reporting Requirements

The officer will complete a Department Use of Force Report and a Medical Release Form. The officer acting as the Supervisor will complete a TASER Supervisor Use Report. These reports are to be kept in the arrestee’s case file. A copy must be forwarded to the Chief of Police or his designee.

F. Maintenance

Certified TASER Instructors will be responsible for performing maintenance. Each TASER device will be inspected periodically to ensure that the device functions within the manufacturer's recommendations. A maintenance log will be maintained by the TASER Instructor and will document all inspections and maintenance performed.

G. Limitations of Use

This policy will not restrict an officer from using the TASER CEW on anyone trying to harm the officer or a third party. Special considerations and reasonable articulation
however, should be given by each individual officer to the different characteristics and circumstances that may be encountered prior to a decision to deploy the TASER:

1. A passively-resistant person who is non-compliant, but is not threatening to the officer or others.
2. A person displaying characteristics of mental illness or in obvious crisis, unless the person is acting in a hostile or aggressive manner and reasonably appears capable of injuring the officer or a third party.
3. An elderly person, or very young person, unless the person is acting in an aggressive or threatening manner and reasonably appears to be capable of injuring the officer.
4. A person who is known to be or obviously pregnant, unless the person is acting in a hostile or aggressive manner and reasonably appears capable of injuring the officer.
5. A person who is saturated with or in the presence of highly flammable or combustible materials or liquids.
6. A person who could potentially receive a secondary injury resulting from falling off an elevated location.
7. A person who is in control of a vehicle that is in motion.
8. A person that is complying with the officer’s commands.
9. An actively resistant person, whereby their actions do not constitute an immediate threat of violence or physical harm to the officer or a third party.

(NOTE: In Armstrong v. Village of Pinehurst, the court concluded that “physical resistance” is not synonymous with “risk of immediate danger.” Even noncompliance with police directives and non-violent physical resistance do not necessarily create “a continuing threat to the officer’s safety.”)

10. A person actively engaged in a harmful act or attempting to harm themselves by use or attempted use of a deadly weapon or other means of suicide, whereby the officer’s safety and the safety of the public is not in question.

(NOTE: In Armstrong v. Village of Pinehurst, TASER use as a pain compliance tool against a resisting subject is prohibited by the Fourth Amendment unless the officer can articulate “immediate danger” to the officer apart from the fact of resistance alone.)
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers of this agency with guidelines for the use of Oleoresin Capsicum Spray.

II. POLICY

It is the policy of this law enforcement agency that officers use only the force that reasonably appears necessary to effectively bring an incident under control, while protecting the lives of the officer and others. It must be stressed that the use of force is not left to the unfettered discretion of the involved officer. This is not a subjective determination. The use of Oleoresin Capsicum Spray must be objectively reasonable. The officer must only use that force which a reasonably prudent officer would use under the same or similar circumstances.

III. INTRODUCTION

Oleoresin Capsicum Spray (OC Spray) may be used as a Less-Lethal or Non-Deadly Force option by officers trained in its use. OC Spray is a concentrated form of oil and resin derived from Red or Cayenne Pepper.

OC Spray can be used to temporarily disable a person or establish control of a person who is engaged, or is attempting to engage in conduct that the officer reasonably believes to be that of a dangerous nature.

OC Spray may reduce the risk of injury to all persons involved in a confrontation and is appropriate for use before other force options. When used in compliance with State law and Departmental Policies, OC Spray is authorized to effect a lawful arrest, to prevent escape from lawful custody, or to defend the officer or another from what the officer reasonably believes is the imminent use of physical force.

IV. PROCEDURES

A. Deployment

A person who refuses to submit peacefully to a lawful arrest, attempts to escape from lawful custody, or refuses compliance with lawful orders during arrest, detention or custody is subject to the use of OC Spray:

1. When the officer reasonably believes the use of soft hand techniques may jeopardize the officer’s safety.

2. When the circumstances reasonably indicate that attempting soft hand control techniques may lead to an escalation of force with a risk a serious physical
injury to the arrestee or the officer.

3. A person who assaults an officer, or whose conduct reasonably appears to be an imminent threat to the safety of an officer or others, or who resists soft hand techniques, or flees from lawful arrest of custody.

4. Verbal persuasions and warnings are not required.

The decision to engage a suspect with OC Spray is left to the discretion of the individual officer. The officer must have a specific factual basis to believe OC Spray is reasonably necessary, and must comply with Statutory Laws and Departmental Policies. Officers must be prepared to articulate the justification for OC Spray in the narrative section on the Use of Force Form.

B. Post-Exposure Procedures

Department employees are responsible for the monitoring and post-exposure care of all individuals who are sprayed with OC Spray as a result of their official actions, including persons who may have been exposed while the officer attempted to control another person.

The monitoring of an individual sprayed with OC Spray begins immediately when the individual is placed under arrest or comes under the control of the officer. The officer will:

1. Immediately instruct the person that he/she has been sprayed with OC Spray, to expect a burning sensation and mucus membrane irritation, and not to rub his/her eyes.

2. Stay with the person, paying careful attention to the following high-risk individuals:
   a) Infants, young children, or elderly persons who may have been indirectly exposed.
   b) Persons with medical conditions such as heart or lung ailments, diabetes, or epilepsy.
   c) Highly intoxicated persons.
   d) Persons who are confused, violent, and/or agitated.
   e) Persons who have experienced recent trauma.

3. Encourage the person to talk.

4. Watch the person’s position and ensure continuous airway, breathing, and circulation are maintained to guard against Positional Asphyxia.

5. Be aware of any change in the person’s level of consciousness.

6. Look for a Medic Alert bracelet or necklace.
7. Determine if the person has any serious illness or medical conditions.

8. Determine if the person has had any recent injuries.

9. Determine if the person wears contact lenses and, if so, instruct the individual not to touch or remove the lenses.

C. Post-Exposure Care

The Post-Exposure Care of a person under arrest may require that the arrestee be transported to a safe location that provides the officer with control over the arrestee, and a sufficient supply of soap, water, and towels. Only if there is little risk to the safety of the officer and the public, the officer will:

1. Verbalize specific and distinct commands to get the person into a prone cuffing position.

2. Explain to the person what is being done and why.

3. Tell the person that, upon compliance, assistance will be provided to relieve the pain.

4. Follow the proper procedure for approaching any potentially dangerous suspect; handcuff, then search.

5. Remove the person from the contaminated area; Instruct the arrestee to blow his/her nose to dislodge any contaminated particles.

6. Flush the eyes and facial area with water.

7. Request Emergency Medical Services if needed.

8. Closely monitor the arrestee for any adverse reactions to the exposure.

9. Do not put any cremes or salves on the affected area.

10. Do not withhold medical care, regardless of the arrestee’s requests, if it appears that such attention is needed.

D. Animal Exposures

Officers may use OC Spray to control attacking dogs or other animals. Attack dogs, in most instances, are effectively subdued with a short burst to the eyes, nose, and mouth. Officers should get out of the way of the animal after spraying.

After the animal is sprayed with OC Spray, the officer should attempt to capture the animal if it is running at large. The animal’s owner should be contacted, if possible. Animals can be decontaminated by flushing the area thoroughly with water. Animals should return to normal within approximately 45 minutes to one hour.

E. Reporting Requirements

The officer will complete a Department Use of Force Report and a Medical Release
Form. These reports are to be kept in the arrestee’s case file. A copy must be forwarded to the Chief of Police or his designee.

F. Limitations of Use

Officers should not use OC Spray against a person who:

1. Submits peacefully to arrest and complies with lawful demands during a lawful arrest.

2. Complies with lawful commands during a valid investigative stop, or a stop for citation purposes, or while in custody or detention.

3. Is expressing a mere verbal disagreement that does not threaten or incite others or threaten an officer and is not significantly delaying or obstructing the discharge of duty.

Officers should not use OC Spray, if possible, in Hospitals, Nursing Homes, or Day Care Centers. Deployment in large crowds or confined areas could create a dangerous situation by people trampling others while trying to flee the area.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers of this agency with guidelines for the use of an ASP Baton.

II. POLICY

It is the policy of this law enforcement agency that Officers use only the force that reasonably appears necessary to effectively bring an incident under control, while protecting the lives of the Officer and others. It must be stressed that the use of force is not left to the unfettered discretion of the involved Officer. This is not a subjective determination. The use of an ASP Baton must be objectively reasonable. The Officer must only use that force which a reasonably prudent Officer would use under the same or similar circumstances.

III. INTRODUCTION

ASP Batons have been used in Law Enforcement for years as a Less-Lethal Impact Weapon. Impact options involve the use of a mechanical device to strike, manipulate, or otherwise control a person’s unlawful resistance. There are two (2) Impact option categories:

A. **Non-Strike**

   The use of a baton or other mechanical device to apply joint locks, arm bars, and other maneuvers. These techniques activate specific human nerve endings or pressure points. Doing so may generate isolated, brief and temporary feelings of discomfort and pain. The degree of pain or discomfort may override a person’s willingness to continue their resistant behavior. Minor injuries, such as scratches and bruises, are possible.

   1. Non-strike options do not involve dynamic swinging movements.
      It is the strategic placement of a weapon on designated areas of the human body.

   2. Some people may be immune or do not experience discomfort or pain sensations, such as persons under the influence of controlled substances.

B. **Strike**

   The use of a baton to aim and deliver a forceful blow or thrust to a person’s anatomy:

   1. The strike is designed to temporarily incapacitate or immobilize targeted areas of the human body.

   2. Strikes can be used in the form of blocks to defend against
resisting combative persons.

3. Officers should target Motor Nerves located in the human arm (Radial Nerve), leg (Femoral, Common Peroneal, Tibia), and other large muscle groups.

4. Strikes may cause broken bones, bruising, lacerations and other similar injuries.

5. Strikes are pain compliance only. Persons who are impaired or have a high tolerance for pain may be immune to strike techniques.

IV. PROCEDURES

A. Deployment

Officers must deploy the ASP Baton in accordance with this policy after receiving training approved by the manufacturer and the Department. Officers may use ASP Batons as a Less-Lethal weapon to control violent or potentially violent persons, when an Officer reasonably believes that the following conditions exist:

1. Deadly Force does not appear to be justifiable or necessary.

2. Attempts to subdue the suspect using the conventional tactics of verbalization, firm grip control, pain compliance holds, OC Spray, control holds, and/or self-defense techniques have been or will likely be ineffective.

3. There is a reasonable expectation that it will be unsafe for the Officer to approach to within arm contact range of the suspect.

B. Training

Officers of the Department will receive training on ASP Batons prior to issuance and use in the field. Officers are taught how to minimize the possibility of a suspect’s injury or death, while ensuring their own safety in the performance of their duties. It is the individual Officer’s decision which techniques to use in an attempt to gain control of a suspect in accordance with the training he/she has received.

Prior to being issued an ASP Baton, Officers must successfully complete an approved training class for the ASP Baton. Officers who fail to qualify are strictly prohibited from carrying and/or using the baton, and will be provided with remedial training. All training received on the ASP Baton will be documented in the Officer’s file by the Department’s Training Officer.

The Department’s Training Officer will periodically coordinate training specific to the use of the ASP Baton in accordance with the manufacturer’s operational guidelines. All training will be taught by a Certified Instructor through a local Community College.

C. Post-Exposure Care

The Post-Exposure Care of a person under arrest may require evaluation from Emergency Medical Services and/or hospitalization. As with any arrest, Officers must
render medical assistance to anyone in their custody.

D. Reporting Requirements

The Officer will complete a Department Use of Force Report and a Medical Release Form. These reports are to be kept in the arrestee's case file. A copy must be forwarded to the Chief of Police or his designee.

F. Limitations of Use

Officers will only carry and use batons issued and approved by the Department.

Any use of an ASP Baton that is in direct conflict with the manufacturer's instructions and/or the intended purpose and design is strictly prohibited.

Intentional head strikes are strictly prohibited in all situations except where deadly force in justified.
Mayodan Police Department Policy Manual

MAYODAN POLICE DEPARTMENT
Prisoner Restraints Policy and Procedures
Number 1.06

Effective Date: January 1, 2014
Reevaluation Date: January 2018

I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers of this agency with guidelines for the use of Prisoner Restraint Devices.

II. POLICY

It is the policy of this law enforcement agency that officers use only the force that reasonably appears necessary to effectively bring an incident under control, while protecting the lives of the officer and others. Officers of this Department are authorized to use Prisoner Restraint Devices to seize a person and control their ability to move about freely.

III. DEFINITIONS

- **Physical Restraint Device:** Any device, mechanism or piece of equipment so designed to restrict the movement of a person.

- **Control:** The process in which a person is not lawfully allowed to move about freely.

IV. GENERAL PROVISIONS

The restraint of prisoners shall be done with the safety of the officer and the security and welfare of the prisoner in mind. Each officer will be provided the necessary prisoner restraint devices to use in performance of their assigned duties. Every restraint device must be an approved, either by the State or the Chief of Police, before it can be utilized to restrain a prisoner.

V. PHYSICAL RESTRAINT DEVICES

A. Deployment

The Department may issue officers various types of physical restraint devices to use in performance of their assigned duties. These restraint devices are to be used to restrict movements and maintain control throughout the detainment. Since total control must be maintained, officers may use any of the following restraint devices:

1. Restraint Belts
2. Arm/Ankle Restraints
3. Hobble Restraints
4. Handcuffs
5. Flex-Cuff Restraints
6. Leg Restraints
7. Thumb Cuff Restraints

B. Alternative Restraints

Any form of restraint device may be used as long as the control option is reasonable. In some circumstances, officer may find themselves without sufficient duty equipment to adequately maintain control of numerous arrestees. In such a case, the Department authorizes any officer to use any and all humane and non-lethal means necessary to restrict the movement of any arrestee. An officer may use any of the alternate means of physical restraint device:

1. Leather Belt
2. Duct Tape
3. Uniform Tie
4. String or Twine
5. Straight Jackets
6. Any other available articles which may restrict movement and maintain control.

**COMMENT**: Officers must use good judgment when applying any physical restraint device. Officers should call for additional assistance from other officers and Agencies before using alternative physical restraint devices. Alternative Restraints should be removed immediately upon receipt of a more acceptable form of restraint as listed in Section A.

C. Use of Physical Restraints

It will be at the Arresting Officer’s discretion as to the appropriate physical restraint device to be used. The supervising officer can request that alternate or additional physical restraint devices be applied to maintain a more effective means of control.

Officers can use various restraint techniques to maintain control of their arrestee/detainee during a lawful seizure. The officer may choose one of the following techniques:

1. Arm/Hand Restraints may be applied with the arrestee/detainee(s) hands located in front of their torso. This application allows the arrestee/detainee(s) to utilize their hands and reduces potential wrist injuries.

2. Arm/Hand Restraints may be applied with the arrestee/detainee(s) hands located behind their back. This application decreases movement and increase officer safety. It will inversely be more painful to the arrestee/detainee(s).

**COMMENT**: Physical Restraint Devices are not designed to be comfortable; therefore, officers should use compassion when dealing with an arrestee/detainee.
Officer safety is a major priority; therefore, the officer’s reasonable decision to apply a restraint device, in any position, will determine the method of application.

D. Prisoner Care

When a Physical Restraint Device has been applied to a person who is an arrestee or a detainee, officers must maintain frequent inspection of the restraint device to ensure proper tension. If a physical restraint device is applied incorrectly, it may result in a potential injury to the arrestee/detainee. With this in mind, officer should do the following:

1. Engaging the ‘Double Locking’ feature on the handcuffs will ensure that the restraint’s tension does not change during transportation.

2. Repeatedly check handcuffs for tightness every 10-15 minutes. An index finger should fit between cuff blades and wrist of prisoner.

3. Any restraint device applied must be checked for tightness. The devices must be secure; however, it should not restrict the blood’s normal circulation through the extremities of the body.

COMMENT: A prisoner’s complaint of handcuff tightness must not be overlooked. As the arresting/detaining officer, you are responsible for the care of your prisoner. Officers should make every attempt to ‘Double Lock’ their handcuffs to avoid accidental over tightening.

An arrestee/detainee who actively resists the application of a physical restraint device may receive minor injuries to the hands ad wrists. These minor injuries occur as a result of the officer’s attempt to gain control, and the arrestee/detainee’s unwillingness to comply. If any injury occurs during the application of a physical restraint device, the officer should contact the Emergency Medical Services for medical assistance and treatment.

COMMENT: If an arrestee/detainee(s) actively resists the physical restraint device and receives injuries as a result, the officer should cite the subject for the violation and complete a Use of Force Report and a Medical Release Form describing the incident.

E. Transportation Issues

All prisoners who are physically restrained will require assistance in their movements. Officers should be prepared to aid and assist prisoners whenever practical and feasible.

During transportation, officers should place the arrestee/detainee(s) in a safety restraint device, seat belt, or other provided vehicle safety restraint systems. If more than one prisoner is being transported by an officer, he/she should restrain all prisoners with their hands behind their back. This will eliminate the potential risks involved with multi-prisoner transports.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers of this agency with guidelines for the medical treatment responsibilities of prisoners and civilians.

II. POLICY

It is the policy of this law enforcement agency that Officers are authorized to render, with dispatch and diligence, assistance in obtaining professional medical services for any person(s) suffering from any form of medical ailment.

III. STATUTORY PROVISIONS

The requirements of General Statute 15A-503, as it applies to the provisions of this policy, are summarized as follows:

A. Requires that an Officer arresting a person who is unconscious, or apparently suffering from a disabling condition, make a reasonable effort to determine if the person is wearing a Medic Alert Foundation Emergency Alert Symbol.

   NOTE: A symbol will indicate the type of disabling condition.

B. If a symbol is detected on the person being arrested, the Officer is required to make a reasonable effort to have appropriate medical care provided.

C. Failure to make a reasonable effort to discover a symbol may be considered, with other evidence to determine if the Officer was reasonable in ascertaining if the medical needs of the person were provided.

IV. PROCEDURES

A. Request of Treatment Facility

Insofar as possible, all persons coming to the Department’s attention through the course of providing police services, who are in need of or require professional medical attention, will be assisted by an Officer, agent, or representative of the Department, in obtaining the Emergency Medical Services Ambulance, Rescue Squad, or any other available organizations that provide Basic and Advance Life Support services.

Any officer, agent, or representative of this Department should adhere to the following guidelines when confronted by any person requesting immediate medical
attention:

1. **Non-Custody Care**
   a) Upon receipt of complaint, whether visible or not, the Officer shall obtain as much information about the medical condition as reasonably possible, to include but not limited to the patient’s medical history, allergies, drug usage, treating Physicians, immediate family contacts, etc.
   
   b) After obtaining patient history and initial complaint, the Officer shall notify the Department’s Communications Center.

   *NOTE:* The Officer may notify the County’s Central Communications Center; however, he/she must also notify the Department’s Communication Officer to establish a Call for Service.

   c) Maintain patient care, but only act upon specific training received. NEVER act outside the boundaries of your training and experience.

   d) When Emergency Medical Services arrive, relay any pertinent information about the patient’s demeanor, medical history, changes in their signs and symptoms and drug allergies.

   e) Release the patient to an equally or higher trained person only.

   f) If no *ALS* or *BLS* unit is available in the county and the patient has immediate medical needs, Officers may transport the individual to an area hospital or doctor’s office for medical treatment. This will be at the discretion of the Shift Supervisor. The patient’s overall condition will be the determining factor in such an incident.

2. **In-Custody Care**
   a) Unlike Non-Custody Care, officers of this Department must maintain custody of the patient. If an Arresting Officer needs medical assistance for their arrestee/detainee, they must notify the Department’s Communication Officer and request Emergency Medical Services.

   b) The Officer must maintain custodial “*control*” of the arrestee during the medical evaluation and treatment phases of prisoner care.

   c) If transportation to a medical facility is required, the Officer must transport the arrestee to a designated Medical Treatment Facility. EMS personnel may be utilized for transportation purposes under extreme circumstance whereas patient wellbeing supersedes the Officer’s overall objectives.

   d) Once medical care has been provided, the Officer shall transport the
prisoner to the designated area for criminal booking. 
(Magistrate’s Office, County Jail, etc.)

**NOTE:** The County Jail will not accept prisoners suffering from untreated injuries sustained before or during the arrest procedure.

B. Notification of Medical Treatment

Prior to incarcerating an arrestee who has received emergency medical treatment, the Arresting Officer shall be responsible, at the time booking, for notifying the jailer of the medical treatment received by the prisoner and the nature and extent of the injuries.

If the prisoner exhibits or has a history of suicidal tendencies, this information, if known by the Officer, shall be conveyed to the jailer as well.

C. Documentation of Medical Treatment

Officers of this Department are required to document any and all actions pertaining to the medical care and treatment of a prisoner. Documentation shall be a detailed account of the prisoner’s injuries, along with Officer’s actions regarding patient medical care and treatment. This information must be written in the Officer’s Arrest Report, Medical Release Form, and/or the Use of Force Report.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers with the guidelines regarding acceptable criteria for affecting an off-duty arrest.

II. POLICY

Off-duty officers are often faced with situations involving criminal conduct that they are neither equipped nor prepared to handle in the same manner as if they were on duty. This may lead to unnecessary injuries to off-duty officers, and confusion for those on-duty officers arriving at the scene trying to correctly assess the facts.

In order to promote safety and efficiency, it is the policy of this Department to determine and regulate those situations and locations in which a sworn member is authorized to make an arrest while off duty.

III. DEFINITIONS

**Personally Involved:** An officer is deemed personally involved where the off-duty officer, a family member, or a friend becomes engaged in a dispute or incident involving a personal matter with the person to be arrested or any other person connected with the incident. This does not apply to situations where the police officer is a crime victim.

IV. PROCEDURES

A. Liability Protection

Officers of this agency have liability protection for the on- and off-duty performance of official duties. This protection does not extend to those actions that the police officer knew, or reasonably should have known, were in conflict with the law or the established policies of this department.

B. Authorized Off-Duty Arrests

When off duty and within the legal authority of this law enforcement agency, an officer may make an arrest only when all of the following occur:

1. There is an immediate need to prevent a crime or apprehend a suspect.
2. The crime would require a full custodial arrest.
3. The arresting officer possesses appropriate police equipment and police
identification.

C. Off-Duty Responsibilities

While off duty, the police officer is responsible for immediately reporting any suspected or observed criminal activities to on-duty authorities. When an officer is prohibited from taking off-duty enforcement actions under provisions of this policy, the officer shall act as a trained observer and witness to the offense and shall summon on-duty personnel as soon as reasonably possible. Where an arrest is necessary, the off-duty arresting officer shall abide by all departmental policies and procedures.

D. Prohibitions of Off-Duty Arrests

1. Despite the fact that a police officer has police powers and responsibilities 24 hours a day throughout the jurisdiction, the off-duty officer generally should not attempt to make arrests or engage in other enforcement actions when the provisions of section IV.B.1-3 of this policy are not met or when any of the following circumstances exist:

   a) The officer is personally involved in the incident underlying the arrest.
   b) The officer is engaged in off-duty employment of a non-police nature.
   c) The officer's ability or judgment to use a firearm or take a person into custody has been impaired by use of alcohol, prescription drugs, or other medication by a physical ailment or injury.
   d) A uniformed police officer is readily available to deal with the incident.

2. Off-duty officers in plain clothes shall follow all orders issued by uniformed officers without question or hesitation during enforcement encounters and shall identify themselves as law enforcement officers as prescribed by departmental training.

E. Training

The department’s training authority shall establish protocols, including the use of signs and signals, for recognition of off-duty officers in plain clothes so as to reduce the potential of misidentification of such personnel during enforcement encounters. Such protocols shall be reviewed periodically during in-service training.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers with the guidelines regarding the enforcement of State and Federal laws on Diplomats and Foreign Nationals.

II. POLICY

It is the policy of this law enforcement agency that Officers will enforce all applicable state, federal, and international laws in regard to foreign diplomats, elected officials, and military personnel.

III. INTRODUCTION

Foreign Nationals

Officers will treat foreign diplomatic and consular personnel with respect and due regard for the privileges and immunities to which they are entitled under international law. Officers should not, however adopt a “hands off” approach toward traffic or criminal law enforcement actions involving diplomats. Foreign diplomatic and consular personnel who violate traffic laws will be cited and allegations of serious crimes will be fully investigated and promptly reported to the United States Department of State. The State Department will seek waivers of immunity in the face of criminal charges, will remove individuals from the United States who are engaged in criminal activity, and will revoke the driving privileges from individuals who repeatedly violate the traffic code.

Officers should consult the appropriate United States Department of State publication, located in the Communication Center, for current directives pertaining to specific cases involving foreign nationals.

IV. DEFINITIONS

*Foreign National:* For the purpose of consular notification, a ‘foreign national’ is any person who is not a United States citizen. The terms ‘alien’ and ‘foreign national’ are synonymous.

*Diplomatic Mission:* Embassy; Encompasses both the office where embassy work is performed and the residence of the head of the mission.

*Diplomatic Immunity:* Full or limited criminal immunity which the personnel of a foreign diplomatic mission and, in varying degrees, their family members enjoy because they serve as representatives of a sovereign state and require special rights and guarantees for the effective functioning of the mission.
Diplomatic Agents: A term embracing heads of missions (ambassadors or charge d'affaires) and members of their diplomatic staff; These persons are responsible for official communication between countries and are recognized by the United States Government as having diplomatic rank and title.

Administrative and Technical Staff: Includes secretaries, clerical personnel, office managers, and certain professional security personnel; These persons also enjoy a high level of privilege, but somewhat less than diplomatic agents.

Service Staff: Includes drivers, cleaners, and building/grounds personnel; These persons have much less immunity.

Private Servants of Members of the Mission: Individuals and their families who are hired by diplomats for their personal use; These persons have no immunity for their criminal acts or private wrongs, even if such acts occur in the course of the performance of their duties.

Consular Officers: Individuals who perform a variety of functions of principal interest to their own countries, such as issuing travel documents, attending to difficulties of their own countrymen who are present in the United States, and promoting the commerce of their country; These persons should not be confused with diplomatic agents and do not enjoy the same privileges and immunities.

Special Bilateral Agreements: Agreements between the United States and certain foreign countries which grant significantly higher privileges and immunities to all members of their embassy staffs and to certain of their consular personnel and sometimes family members; In some cases, these privileges and immunities approximate those accorded diplomatic agents.

V. PROCEDURE

A. Full Criminal Immunity

This type of immunity is given to diplomatic agents, administrative and technical staff of missions, and their families. In addition to immunity from criminal and civil prosecution, full criminal immunity means that the residence, vehicles, papers, and correspondence of an individual cannot be searched, the person cannot be detained or arrested, and the person is not required to give evidence as a witness.

B. Limited Criminal Immunity

Service staff members have limited criminal immunity. They can be detained, arrested, and prosecuted for criminal acts. If prosecuted, service staff members can raise ‘official acts’ immunity as an affirmative defense. The court having jurisdiction will then
determine whether or not the service staff member was acting in his/her official capacity at the time of the offense. Service staff can be required to give evidence as witnesses, and their persons and effects can be searched, in accordance with local law.

C. Breakdown of Criminal Immunity by Personnel Category or Family Classification

1. Diplomatic Agents - Full immunity for:
   Head of Mission (Ambassador or Charge d’affaires)

2. Diplomatic Staff of Mission - Full immunity for:
   a) Members of the Delegation of the Commission of the European Communities.
   b) Permanent Representatives and Senior Staff of Missions to the Organization of American States and United Nations.
   c) Senior Officials of the United Nations Secretariat.

3. Administrative and Technical Staff - Full immunity for:
   a) Administrative Officers and Administrative Assistants.
   b) Security Officers.
   c) Purchasing Agents.
   d) Budget and Fiscal Technicians.
   e) Archivists.
   f) Cryptographers.
   g) Receptionists and Secretaries.
   h) Stenographers and Typists.
   i) Clerks.
   j) Couriers and Messengers.
   k) Guards.

4. Family Members of Diplomatic Agents, Mission Staff, Administrative and Technical Staff - Full immunity for:
   a) Spouses.
   b) Dependent children until age 21, or age 23 if full-time student at an institution of higher learning.

5. Service Staff - Immunity only for acts performed in the course of official duties (Court decides if acts are in the course of duties) by:
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a) Chauffeurs.
b) Drivers.
c) Servants in missions.
d) Employees performing domestic duties in missions.

6. Family Members of Service Staff - No immunity.
7. Private Servants and Their Families - No immunity.
8. Members of Consular Posts - Limited immunity for consular officers and their personnel; Members of consulates have a significantly lower amount of privilege and immunity, reflecting the fact that consular officers are concerned with issuing travel documents, etc., and not with communication between countries. Consular officers have only "official acts" immunity in both criminal and civil matters. They may be arrested for felonies but have immunity from providing evidence as witnesses where a case involves their official duties.
9. Family Members of Consular Officers - No immunity.
10. Service Staff of Consular Officers - Only witness immunity concerning 'official acts.'
11. Family Members of Consular Service Staff - No Immunity.
13. Honorary Consuls - Only 'official acts' immunity and witness immunity concerning 'official acts'
14. Family Members of Honorary Consuls - No immunity.

D. Treaty Provisions

The United States Department of State is obligated under international treaties and customary international law to notify foreign authorities when foreign nationals are arrested or otherwise detained in the United States. The legal requirements are as follows:

1. Whenever an officer arrests or detains a foreign national, the officer must promptly inform the detainee of the right to have his/her government informed of such event. Officers are not required to notify consular officials when a foreign national is given a citation or posts bond and is allowed to proceed.
2. If the detainee asks to exercise the right to have his/her government notified, the officer should initiate the notification of the appropriate foreign consulate or embassy without delay and make a written record of such notification.
3. Subject to local laws and regulations regarding access to detained persons, consular officers have the right to visit their nationals who are in prison, custody,
or detention to converse and correspond with them and to arrange for their legal representation. A foreign consular officer should not take action on behalf of such a person if the person being held expressly opposes such action.

4. Treaties exist with certain countries that require mandatory notifications within 72 hours when these nationals are confined or detained. In these cases, the foreign national has no choice regarding the notification. Officers should consult the appropriate United States Department of State publication, located in the Communication Center, to determine which countries are subject to treaty provisions.

E. Notification Procedure

When notification is to be made, the arresting officer or immediate supervisor will complete the form entitled Consular Notification for Arrest or Detention of Foreign Nationals. The officer will fax the completed form to the appropriate country’s consulate as found on the list of Foreign Embassies and Consulates in the United States. These documents are located in the Communication Center. The officer will retain the form and resulting fax confirmation as documentation of the notice delivery, and will submit these documents to Records as a report attachment.

F. Traffic Enforcement

1. Moving Violations

When a driver believed to have diplomatic immunity if stopped for any moving traffic violation and has proper and valid identification indicating immunity, the officer may issue an appropriate traffic citation or warning notice. The issuance of a traffic citation does not constitute an arrest or detention and is permissible, however, the diplomat does not have to sign the citation and cannot be arrested for refusal to sign or accept the citation.

2. Impaired Driving

When an officer stops an individual with the intention of making an arrest for driving while impaired and that individual is entitled to diplomatic immunity, the officer will extend the same courtesy, respect, and consideration as is always required for members of the diplomatic corps. If the officer has probable cause to believe that a person with full immunity is driving while impaired, the officer will not allow that person to operate the vehicle. Sobriety tests may be offered, but may not be required or compelled. The officer may issue a traffic citation to the person for DWI and any other related traffic charges, but no physical arrest can be made. The officer’s primary concern in this situation should be the safety of the community and of the impaired individual. The officer has the following options in this situation:

   a) With the individual’s permission, take the individual to the police station or other location where he/she may recover sufficiently to drive.

   b) Summon or allow the individual to summon a friend or relative to drive.
c) Call a taxi for the individual.

d) Provide the individual with transportation.

Officers should fully document the facts of the incident and prepare a written report to be forwarded to the United States Department of State through the chain of command. It is the policy of the United States Department of State to suspend the operator's license of foreign mission personnel not considered to be responsible drivers.

G. Vehicles and Property

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 be towed the distance necessary to remove them from obstructing traffic or endangering public safety. If the vehicle is suspected of being stolen or used in the commission of a crime, occupants of the vehicle may be required to present vehicle documentation to permit officers to verify the vehicle’s status. Should the vehicle prove to have been stolen or used by unauthorized persons in the commission of a crime, the inviolability to which the vehicle would normally be entitled must be considered temporarily suspended, and normal search of the vehicle and, if appropriate, its detention, are permissible.

H. Identification

The only authoritative identity document is the identity card issued by the United States Department of State Protocol Office. There are three types of identification cards:

1. Diplomatic - blue border.
2. Official - green border.
3. Consular - red border.

The three and three-quarters inch by two and one-half inch identification card will contain the bearer’s photograph, name, title, mission, city and state, date of birth, identification number, expiration date, and a United States Department of State seal on the front. A brief statement of the bearer’s immunity will be printed on the reverse side.

Newly-arrived members of diplomatic and consular staffs may not yet have these official identity documents. Officers should contact the United States Department of State Protocol Office for verification if necessary.

Persons who enjoy any degree of privileges and immunities possess a diplomatic passport issued by their country with a diplomatic visa entered by United States authorities. The Department of State has also issued distinctive license plates and operator's permits to persons entitled to privileges and immunities in the United States. The diplomatic passport, distinctive registration plates, and operator’s license should not be relied upon as conclusive indications of the status or immunity of the bearer, but the possession of these documents are an indication that the bearer might be entitled to these privileges and immunities.
I. Claims of Immunity

When proper identification is shown and status is verified, an individual’s immunity will be fully respected. When there is full immunity as a diplomatic agent, the person may not be arrested and should not, except in the most extraordinary circumstances, be detained in any way. However, in any serious incident, the officer will record all pertinent details from the identification card and details surrounding the incident in accordance with normal procedures, and all documentation will be forwarded through the chain of command to the United States Department of State for disposition. Serious incidents will be reported to the State Department as soon as possible by telephone or fax.

When an officer is confronted with a person claiming immunity in a situation that would normally warrant arrest or detention, and the person cannot produce satisfactory identification, the officer will inform the person that he/she will be ‘held in custody’ just until proper identity can be confirmed. The Command Center of the Bureau of Diplomatic Security, Department of State operates 24 hours per day and will be called immediately to verify claims of diplomatic immunity.

Inquiry should also promptly be made to the State Department in any case where an individual claims immunity and cannot present satisfactory identification, or in any case where the officer has reason to believe that invalid identification is being presented.

Where public safety is in imminent danger or it is apparent that a serious crime may otherwise be committed, officers may intervene to the extent necessary to halt the activity. Incidents and/or arrests involving United Nations diplomats will be reported promptly to the United States Mission to the United Nations. Serious incidents involving United Nations diplomats will be reported by telephone or fax as soon as possible.

J. Elected Officials

1. Members of the United States Congress

Members of the United States Congress will, in all cases except treason, felony, and breach of the peace, be immune from arrest during their attendance at the session of their respective house, in going to and returning from their respective house, and for any speech or debate in either house.

2. State and Local Elected Officials

No state or local official, either appointed or elected, is exempt from any federal, state, or local laws. This provision applies to the Governor, Lieutenant Governor, Attorney General, State Supreme Court Justices, members of the state legislature, and all county and municipal officials. The issuance of a citation or physical arrest is permissible for these individuals when appropriate.

K. Military Personnel

Armed Forces personnel, for the purposes of this directive, will include regular
members of the Army, Navy, Air Force, Marines, Coast Guard, and reservists on active duty. Military personnel whose permanent residence or permanent duty station is located outside North Carolina will be treated as non-residents of North Carolina. All others will be treated as residents.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers with the guidelines regarding their responsibilities when they have an person in custody.

II. POLICY

It is the policy of this law enforcement agency that Officers will assume responsibility for providing security to prevent escape of the prisoner and to prevent injury or death to police personnel and citizens.

III. DEFINITIONS

- **Prisoner:** A person who has been deprived of liberty and movement and kept under involuntary restraint, confinement, and/or custody.

- **Temporary Detention:** Detention of a person for the purpose of processing, testing or confirming legal process.

- **Arresting Officer:** Any police officer who physically takes a person into custody and places that person under arrest.

- **Transporting Officer:** Any police officer who has a prisoner in custody and transports that prisoner from one location to another.

- **Restraining Device:** Any device used to restrict the movement of prisoners, such as handcuffs, immovable objects specifically designed and intended for such use, flex-a-cuffs, leg chains, and Ripp Hobble restraints.

- **Protective Shield:** A device placed between the front and rear seat of police vehicles to separate the officer and the prisoner.

- **Weapons:** For the purposes of this directive, includes all firearms; ammunition; chemical munitions; stun guns; sharp or pointed implements such as knives, razor blades, pocketknives, pen knives, broken glass, letter openers, and/or screw drivers; impact tools such as convoys, blackjacks, saps and sap gloves, metal knuckles, and batons.

- **Vehicular Sally Port:** At the Rockingham County Sheriff’s Office, an enclosed, secure area beside the main entrance, where vehicles transporting prisoners are parked during arrest processing of an unruly or
dangerous arrestee.

Warrant: For the purposes of this policy, any arrest authorization process.

IV. PROCEDURE

A. Custody Responsibilities of the Arresting or Transporting Officer

Prisoner custody is solely the responsibility of the arresting or transporting officer. Officers may delegate custody responsibility to other sworn officers, but not to a civilian.

When a transfer of custody occurs, clear and concise communication must take place between officers. Prisoners should be informed accordingly. Effective communication is essential to:

1. Ensure immediate medical treatment when injuries occur before or during arrest or incarceration.

2. Ensure immediate medical treatment if symptoms of illness are evident or complaints of illness are made by prisoners.

3. Confirm with all officers involved what has occurred up to this point and what should be done from this point forward. It may be necessary to use a room, space, or area within the police facility to temporarily detain persons under arrest.

4. Officers will be trained in all policy and procedures pertaining to temporary detention, including escape prevention. In the event that prisoners are temporarily detained, the arresting officer will ensure that:
   a) No prisoner will be left alone.
   b) A sworn officer will remain with, or in close proximity to, the prisoner.
   c) The ability to visually observe a detainee will be maintained at all times within the police facility.
   d) Male, female, and juvenile detainees are separated from each other.
   e) Prisoners are given necessary access to water and toilet facilities.
   f) Prisoners are searched for contraband prior to temporary detention.
   g) The room, space, or area in which a prisoner is temporarily detained is searched prior to detention.
   h) Personnel have access to the necessary communications equipment to respond appropriately in the event of an emergency within the temporary detention area.

5. Officers charged with the custody of prisoners will:
   a) Observe all laws and departmental directives.
b) Treat prisoners humanely.

c) Maintain continual supervision and control of prisoners at all times to prevent escape and/or injury to themselves, injury to others, or damage to property.

d) Keep prisoners secure but not subject to unnecessary restraint.

e) Not place or leave unattended weapons, or objects adaptable for use as weapons, within proximity of prisoners.

f) While in the Department or any other processing area, keep all prisoners handcuffed unless performing a necessary procedure such as a chemical breath test, alcohol/drug evaluation, and toilet use by the prisoner, having the prisoner demonstrate actions taken and/or sign paperwork. Interview and/or interrogation are not considered necessary procedures for the purposes of this policy. After which the handcuffs will be reapplied.

g) Secure all duty firearms and secondary firearms in the wall mounted gun lockers provided for that purpose.

h) Be responsible for the security of prisoners’ personal property or property under prisoners’ control at the time of arrest; Ensure that such property is stored safely until it can be returned to the arrested person(s) or released to the appropriate official at the holding facility.

i) Ensure that prisoners who are ill, injured, or show signs of illness while in custody:

1) Be governed by the decision made by Emergency Medical Services personnel regarding the need for hospitalization; Accompany prisoners transported for treatment of injuries or illness unless urgent medical circumstances exist.

2) Note that no arrestee in obvious need of medical attention will be accepted by the Rockingham County Sheriff’s Office.

3) Ensure that prisoners with exceptional transportation needs, such as those who are non-ambulatory or require wheelchairs, crutches or prosthetic appliances, are transported in a manner that reasonably accommodates their needs while providing appropriate safety and security; Ensure that medicines and/or medical equipment necessary for safe transport accompanies the prisoner.

4) Search prisoners thoroughly, particularly prior to turning custody over to another officer for transportation.

5) When releasing prisoners to the holding facility, notify detention personnel of any pertinent medical information and provide medical release forms, if applicable; Advise detention personnel of any escape and/or suicide attempts or threats to carry out such
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actions.

6) Ensure that immediate notification regarding transfer of custody is made to a supervisor.

7) Ensure that prisoners' condition and actions taken are documented in a written report.

B. Safety Procedures in Arrest Processing Area

While in the arrest processing area, all prisoners will be handcuffed at all times. Officers will keep prisoners handcuffed at all times unless performing a necessary procedure such as a chemical breath test, alcohol/drug evaluation, toilet use by the prisoner, having the prisoner demonstrate actions taken and/or sign paperwork. Interview and/or interrogation are not considered necessary procedures for the purposes of this policy. After which the handcuffs will be reapplied. If a combative or resistive prisoner is encountered, officers should call for assistance from another officer. While at the Rockingham County Jail, officers can request assistance from the Staff Duty Officer, or use the phone in the processing room to call and request Jail personnel assist.

C. Handcuffing/Restraining Prisoners

1. Handcuffs or other physical restraints will be used only to immobilize prisoners and not to cause injury, additional injury, or discomfort. Officers will use discretion and common sense when using handcuffs or other physical restraints. Officers will keep prisoners handcuffed at all times unless performing a necessary procedure such as alcohol/drug evaluation, toilet use by the prisoner, having the prisoner demonstrate actions taken and/or sign paperwork. Interview and/or interrogation are not considered necessary procedures for the purposes of this policy. After which the handcuffs will be reapplied.

2. Handcuffed prisoners will be restrained with the hands of the prisoner placed behind the back, except in cases where the prisoner is secured to an immovable object or a restraining device such as a waist belt is used. Under no circumstances will a prisoner be secured to an immovable object that is not specifically designed and intended for such use. The use of flex-a-cuffs and/or Ripp Hobble restraints is permissible when needed.

3. While in the arrest processing area, at no time will an officer retain his or her duty firearm or secondary firearm in the presence of a prisoner(s).

4. Prisoners will never be handcuffed to any portion of a vehicle during transport. Prisoners transported due to special circumstances may require special restraints such as waist chains and/or leg chains. Prisoners wearing waist chains will be restrained with their hands placed in the front. This method will be used when transporting prisoners for extended periods of time.

5. With the exception of prisoners who require special and/or more restrictive restraints such as those who exhibit violent behavior and/or who are physically
and/or mentally handicapped, all prisoners will be handcuffed during transport.

6. Special restraints may be obtained through Emergency Medical Services or local hospitals. When using restraining devices other than handcuffs, the immediate supervisor must be notified and reasons documented in a written report.

7. The handcuffing of juveniles is allowed under the same circumstances as adults.

D. Searching Prisoners and Vehicles Used to Transport Prisoners

Following a physical arrest and before transporting prisoners, all prisoners and vehicles will be searched for weapons and contraband.

E. Searching Prisoners

If the transporting officer is not the arresting officer, then the transporting officer will search each prisoner before transporting. Whenever possible, an officer of the same gender will conduct searches of prisoners. If an officer of the same gender is not available, the search may be conducted by the arresting or transporting officer.

While searching a prisoner of the opposite gender, the prisoner will be touched only as necessary to determine that no weapons or contraband are concealed. Every search of a prisoner of the opposite gender will be documented in the officer's report narrative.

F. Searching Vehicles Used to Transport Prisoners

At the beginning of each shift, the assigned officer will examine the exterior and the interior of police vehicles to determine that the vehicle is safe to operate and is equipped with all the items assigned to the vehicle. This examination will also serve to locate any contraband, weapons, or other dangerous items.

Before transporting a prisoner, the transporting officer will search the vehicle for contraband and weapons. The officer will also ensure that no equipment that could be used as a weapon against the officer is within reach of the prisoner. Upon the completion of transporting a prisoner to a holding facility, the transporting officer will search the vehicle again for weapons and contraband.

G. Prisoner Transportation

With the exception of prisoners who require special and/or more restrictive restraints such as those who exhibit violent behavior and/or who are physically and/or mentally handicapped, all prisoners will be handcuffed during transport.

1. General Guidelines

Prisoner transportation is preferably accomplished by use of a vehicle with a protective screen, and is required in all instances where the prisoner(s) displays violent tendencies toward officers based on known current or prior interactions.

Additionally, prisoners are never to be transported in the front seat of a vehicle equipped with a protective screen. Prisoners may be transported in vehicles
without protective screens when their behavior demonstrates complete compliance with the arresting or transporting officer’s direction.

Prisoners may be transported by Detectives in vehicles without protective screens subject to the provisions of this directive when conducting investigatory activities, such as having suspects identify their or an associates crime locations.

Restraining devices will be used in accordance with departmental directives. Prisoners will be seated and securely belted prior to and during transport in a vehicle without a protective shield. Prisoner transports in vehicles with protective shields may be accomplished without the prisoner(s) being belted if their behavior demonstrates the potential for officer injury during the belting process.

Once prisoners are secured in the vehicle, the vehicle doors will be locked to prevent subjects outside the vehicle from opening the door and enabling prisoners to escape. Officers will notify the Communications Center when initiating the transportation of prisoners, providing the following information:

a) The number of prisoners.

b) The location to which prisoners are being transported. If a prisoner is the officer’s opposite gender or a juvenile, the officer will also provide the Communications Center with the beginning and ending mileage.

c) While transporting prisoners, officers will:

1) Not allow prisoners to smoke.

2) Not answer calls for service unless involving a life or death situation with permission from the immediate supervisor.

3) Stop to render police assistance only in an emergency where there is clearly a grave risk to a third party and only when the risk to prisoners or to the public from prisoners is minimal.

2. Seating Arrangements

a) Seating arrangements of prisoners during automobile transportation in vehicles with protective shields will be as follows:

1) One officer and one prisoner - prisoner in right rear seat.

2) One officer and two prisoners - one prisoner in right rear seat and the second prisoner in left rear seat.

3) Two officers and one prisoner - prisoner in right rear seat and second officer in right front seat.

4) Two officers and two prisoners - prisoners in right and left rear seats, second officer in right front seat.
5) Two officers and three prisoners - all three prisoners in rear seat, second officer in right front seat to maintain observation of prisoners.

b) Seating arrangements of prisoners during automobile transportation in vehicles without protective shields will be as follows:

1) One officer and one prisoner - prisoner in right front seat.

2) One officer and two prisoners - one prisoner in right front seat and the second prisoner in right rear seat.

3) Two officers and one prisoner - prisoner in right rear seat and second officer in left rear seat.

4) Two officers and two prisoners - prisoners in right front and rear seats, second officer in left rear seat.

5) Two officers and three prisoners - all three prisoners in rear seat, second officer in right front seat to maintain observation of prisoners; the transportation of three prisoners in one patrol vehicle is done only when absolutely necessary.

3. Transporting Prisoners to Police Headquarters and Arrest Processing

Prisoners will not be taken, held, or housed at the Police facility except for the purpose of interviewing and/or arrest processing. When charged with the custody of prisoners at the Police facility officers will:

a) Park vehicles as close to the main entrance as possible.

b) Enter the building through the pedestrian entrance, in the event a prisoner exhibits combative behavior or is determined to be an increased security risk, request assistance from another officer before exiting the patrol vehicle.

c) After parking the patrol vehicle, remove the prisoner(s) from the vehicle and walk directly into the arrest processing area.

d) Inspect the arrest processing area or interview room for weapons and objects that may be used as weapons.

e) Keep all prisoners handcuffed.

f) Do not leave prisoners alone; Maintain constant visual contact and direct personal supervision and control.

g) Close the interview room door while interviewing prisoners to prevent others from listening and/or interfering.

H. INTOX EC/IR II Testing of Juveniles

Juveniles may be tested on the INTOX EC/IR II but may remain in the arrest
processing area no longer than necessary for testing. Adult prisoners are prohibited in the arrest processing area while a juvenile is being tested on the INTOX EC/IR II.

I. Transporting Prisoners to Holding Facility

Officers will transport prisoners to the Rockingham County Sheriff’s Office and will follow the procedures set forth in the Rockingham County Jail Operations Plan.

J. Transporting Prisoners in Special Situations

Normally, the transporting of prisoners for court appearances, hospital visits, funerals, and from locations outside the Department’s jurisdiction is handled by the Rockingham County Sheriff’s Office or by the North Carolina Division of Prisons. If requested to provide transportation, officers will:

1. Provide two officers to escort prisoners.
2. Provide at least one female officer when transporting female prisoners.
3. Verify the identity of the prisoners with detention facility personnel.
4. Have all documentation that must accompany prisoners, as determined by the specific circumstances.
5. Ask about any escape or suicide attempts or threats.
6. Upon arrival at the destination, advise the proper authority of any escape or suicide attempts or threats and document activity in a written report.
7. Use restraining devices according to departmental policies.
8. Observe prisoners at all times.

K. Transporting Handcuffed/Restrained Prisoners

With the exception of prisoners who require special and/or more restrictive restraints such as those who exhibit violent behavior and/or who are physically and/or mentally handicapped, all prisoners will be handcuffed during transport.

When transporting more than one prisoner in a police vehicle, each prisoner will be handcuffed separately. If circumstances dictate, two prisoners may be handcuffed together. When handcuffing two prisoners together, their arms should be interlocked with the hands placed behind their backs and handcuffed separately.

“Hog-tying” of prisoners is prohibited. Combative prisoners will be appropriately restrained with handcuffs or flex-a-cuffs on the wrists and a Ripp Hobble restraint on the legs. Prisoners will be transported in a seated, upright position to guard against positional asphyxia. Prisoners will be monitored while in transport.

Prisoners may be released from handcuffs and/or other restraints during any of the following circumstances:

1. When custody is transferred to another law enforcement agency.
2. At the request of medical personnel to facilitate the treatment of an injured prisoner.

3. Any time an emergency situation arises where the officer determines that the safety of the prisoner outweighs other possible security considerations.

Before releasing prisoners from any type of restraint, officers should keep in mind potential security concerns for all persons nearby. A prisoner's escape potential will be evaluated and the appropriate action taken before such release.

L. Transporting Prisoners by Commercial Airlines

When transporting prisoners by commercial airline, the airline will be notified in advance in order to comply with company regulations and federal regulations pertaining to the transportation of prisoners. Prisoners will remain handcuffed while inside the terminal.

The officers and prisoner should be the first to enter the aircraft. The prisoner should be placed in the window seat or between two officers. The officers and prisoner should be the last to exit the aircraft.

M. Transporting Juvenile Prisoners

Juvenile prisoners will not be transported in the same vehicle with adult prisoners unless they are co-defendants in the same case. When transporting juvenile prisoners, officers will provide the Communications Center with the beginning and ending mileage.

N. Transporting Prisoners of the Opposite Gender

Prisoners of the opposite gender from each other will not be transported in the same vehicle unless they are co-defendants in the same case. When transporting prisoners of the officer's opposite gender, officers will provide the Communications Center with the beginning and ending mileage and will take the most direct route to the intended destination.

O. Transporting Handicapped Prisoners

When transporting more than one mentally handicapped prisoner, different vehicles will be used. When transporting mentally handicapped prisoners of the transporting officer's opposite gender, an officer of the same gender as the prisoner will accompany the transporting officer. If the prisoner is not violent or exhibiting violent behavior, and with the permission of the immediate supervisor, a spouse, parent, or legal guardian of the prisoner may accompany the prisoner instead. The accompanying person's name and relationship to the prisoner will be documented in a written report.

Physically handicapped prisoners will be placed and secured in the vehicle in a position as comfortable and convenient as possible. Aids such as wheelchairs, crutches, canes, or other devices will be placed in the trunk of the vehicle.

P. Transporting Sick and/or Injured Prisoners
Officers will notify their immediate supervisor if prisoners are injured prior to or incidental to arrest or become ill or injured during transport. Officers will request Emergency Medical Services to respond to their location. Emergency Medical Services personnel will determine if prisoners need to be transported to a medical facility for treatment. A determination of the need for restraining devices during transport will be made after consulting with Emergency Medical Services personnel. If medical treatment is necessary, officers will notify their immediate supervisor and accompany prisoners to the facility if possible.

While at the medical facility, a prisoner may be restrained if the officer has a reasonable belief that the prisoner is combative or may attempt to escape. An officer will remain with the prisoner until released to a holding facility.

Q. Transporting Prisoners Exhibiting Violent Behavior

When transporting a prisoner exhibiting violent behavior, a second officer will accompany the transporting officer. When transporting more than one prisoner exhibiting violent behavior, different vehicles will be used.

R. Communication With Prisoners

Communication among prisoners and between prisoners and other individuals should be kept to a minimum during transportation. Such interaction will be at the transporting officer’s discretion.

S. Escaped Prisoners

1. When an escape occurs within the Town of Mayodan, officers will:
   a) Immediately notify the Communications Center in order for a broadcast to be given and other units can be assigned to respond to the area of escape.
   b) Notify the on-duty supervisor of the escape.
   c) In the following manner, initiate an investigation in order to locate the prisoner:
      1) Canvass the immediate area.
      2) Check businesses, residences, and other locations that the prisoner may frequent.
      3) Question the prisoner’s past associates about the possible whereabouts of the prisoner.
   d) Obtain arrest warrants for escape.
   e) Complete all necessary paperwork required by immediate supervisor.

2. When an escape occurs within another jurisdiction, officers will:
   a) Immediately notify the law enforcement agency in the jurisdiction where the escape took place.
b) Notify the on-duty supervisor of the escape.

c) Notify the Communications Center.

d) Offer information to aid in the escapee's re-capture.

e) Assist in preparing the necessary reports and obtaining warrants in the jurisdiction of escape.

f) Complete all necessary paperwork required by the Department.

T. Toilet Facility Usage by Prisoners

Prisoners must be given an opportunity and reasonable access to toilet facilities. The use of toilet facilities should not normally be necessary while transporting prisoners from the point of arrest to the holding facility. When prisoners must use a toilet facility, officers will search the toilet facility thoroughly looking for weapons, objects adaptable for use as weapons, and other contraband that prisoners could use to aid in escape or to injure themselves, officers, or citizens.

Officers who are the same gender of prisoners may escort prisoners inside toilet facilities, at the officer's discretion. Officers who are the opposite gender of prisoners will remain outside the toilet facility while being used by prisoners, except when continuous visual observation of the prisoner is necessary because there is reason to believe that the prisoner may cause self-injury, injury to others, or attempt escape.

U. Review

An administrative review of the temporary detention areas and this General Order will be performed at least once every three years by the Chief of Police.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers of this agency with guidelines for the release of information to the public and the news media.

II. POLICY

It is the policy of this law enforcement agency that Officers will cooperate in a professional manner, with openness and candor, to inform the public and news media of events that affect the lives of citizens in the community. No employee will willfully delay, hamper, or interfere with any member of the news media who is lawfully gathering information or reporting an event, subject to the conditions of the Policy.

III. INTRODUCTION

It is the intent of this policy to establish a clear and concise procedure to guide both employees of the Department and the members of the news media on items of mutual concern as it relates to the release of information.

Nothing contained in this policy is intended, nor shall be construed, to deny any members of the news media their right to accomplish their assignments. Furthermore, this policy shall not restrict the rights granted to the news media by the Constitution of the United States and the State of North Carolina.

This policy shall protect the delicate balance of rights and duties of the news media and the Department, while simultaneously providing those basic controls required by the Department in order to protect its own physical security, the security of its employees and the rights of suspects, arrestees and witnesses involved in crimes or other police related incidents.

IV. PROCEDURES

A. Releasable Information

1. Public Records

   a) Operation Reports
   b) Accident Reports
   c) Arrest Reports
d) Incident Reports

**NOTE:** Reports containing information described in *Section C "Crime Scene Procedures"* can NOT be released to the news media.

**NOTE:** Information on the disposition of a criminal case is public record; however, such information is maintained at the Clerk of Court, not the Department.

2. Information regarding non-criminal incidents. In incidents involving a death, the names and addresses cannot be released until the Next of Kin has been notified.

3. Information regarding offenses where prosecution is pending or the investigation is incomplete. This information may include:
   a) Nature and location of the crime or incident;
   b) Name of victim, *EXCEPT* for juveniles;
   c) Whether force or weapons were used, but no detailed description of weapons or exact point(s) of entry in burglaries which would jeopardize subsequent interviews.

4. Personnel information as provided in General Statute 160A-168: salary, age, date of employment, most recent assignments, rank, most recent promotion and most recent suspension or dismissal.

   **NOTE:** This type of information is released by the Chief of Police.

5. Descriptions of found or unclaimed property which is to be sold at public auction.

6. Any written directives and policy statements.

   **NOTE:** This type of information is released by the Chief of Police.

7. Updated crime statistics.

8. Estimated value of losses in criminal and non-criminal cases.

B. Non-Releasable Information

1. Specific information, if disclosed to the public, which could jeopardize the apprehension of a suspect, an investigation, or the prosecution of an offender.
2. Names, addresses and photographs of persons suspected of crimes, or wanted for questioning, unless help from the news media is desired in locating the suspect(s).

3. Information that would personally identify juveniles, either offenders or victims, of crimes and accidents, who also appear to be abused, dependent, neglected, or undisciplined as defined by North Carolina General Statute 7A-517.

4. Names and addresses of witnesses.

5. Information pertaining to evidence prior to court proceedings.
   a) The contents of any admission or confession, or the fact that an admission or confession has been made.
   b) Opinions concerning the character, mental or physical condition, or guilt or innocence of an arrested person.
   c) Opinions concerning anticipated testimony or the reliability of prospective witnesses.
   d) Statements concerning anticipated testimony of the reliability of prospective witnesses.
   e) The results of fingerprint, polygraph, ballistics or other laboratory examinations.
   f) Precise descriptions of items seized or discovered during an investigation.

6. Photographs, mug shots, or composite drawings may be released:
   a) When public safety is at stake;
   b) When the help of the news media is needed to apprehend a subject; or
   c) When disseminating public information via public media source.

7. Any information about an internal investigation of a police employee, EXCEPT those facts as provided by the Personnel Privacy Act, General Statute 160A-168.

C. Crime Scene Procedures

1. Police officers should recognize the need of reporters and photographers to be present at scenes of police related incidents. Police officers must remain aware of a citizens’ right to accurate and timely information concerning
incidents requiring a police response. Therefore, police officers at crime scenes or other incidents must cooperate with members of the news media.

**NOTE:** Members of the news media will be allowed the necessary and sometimes additional freedom to complete their tasks, provided that freedom does not interfere with the performance of the police function.

2. At any scene of a police related incident, the police have an obligation to preserve the integrity of the scene, gather evidence and assist injured victims.

**NOTE:** Officers should define the crime scene area and prevent all unauthorized persons from entering that area, so long as the investigation, evidence collection and other related activities are ongoing.

3. After police operations have concluded, media representatives will be allowed to ask questions and take photographs of the crime scene. This does not constitute an unlawful interference by the press. The news media will assume full responsibility for the use of any photographs acquired during coverage of a crime, accident or other incident.

4. Police personnel will not prohibit photographers from fulfilling their tasks, provided the photographers are situated outside the secured area as delineated by the Investigator or Supervisor until crime scene processing has concluded.

5. If an incident occurs on private property, news media representatives may be permitted on the scene, upon completion of the investigation, with the permission of the owner or person legally responsible for and in apparent control of the property.

6. The on-scene Investigator, or ranking officer, shall be responsible for releasing information to the news media in accordance with the provision described in this policy.

**NOTE:** Information shall not be released unless approved by the Chief of Police or his designee.

7. News media representatives are prohibited from photographing individuals while in custody and within the confines of a Law Enforcement Center. Photographing individuals that are in custody and outside of the building is permitted; however, prisoners will not be posed for photographers.

D. Liable Release

Information must be released to the news media expeditiously and without partiality. No member of the Department should deny the release of information in order to favor any particular news media representative or agency.
Any problems encountered by either police personnel or the news media in implementing the provisions of this policy should be reported in writing to the Chief of Police or his designee.

**NOTE:** The Chief or Police or his designee has the sole responsibility and authority to release information to the news media or any other organization so design to report current events. Officers should refrain from releasing information, unless approved by the Chief of Police or his designee.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers of this agency with guidelines for handling Citizen complaints against Department employees.

II. POLICY

It is the policy of this law enforcement agency that Officers will provide citizens information on how to file a complaint against any member of the Department, when such request has been made. No Officer will listen to a complaint against another employee. All complaints shall be in writing describing the nature of the complaint.

III. PROCEDURE

A. Receiving Complaints

To protect both citizens and employees, all official complaints against Department employees will be investigated in a thorough and objective manner. Official complaints shall be defined as:

1. Any complaint made by a citizen or member/employee against:
    a) Departmental Personnel;
    b) Departmental Procedures;
    c) Departmental Policy;
    d) Or the manner in which police service was delivered; and
    e) The complainant provides her/her name, address telephone number.

2. Any complaint made by a citizen or member/employee pertaining to criminal conduct by any Department member/employee, whether or not the complainant discloses his/her name, address and telephone number.

3. Any complaint of a non-criminal nature made by a citizen or member/employee against:
    a) Departmental Personnel;
b) Departmental Procedures;

c) Departmental Policy;

d) The complainant refused to provide his/her name, address and telephone number; and

e) In the opinion of the Supervisor receiving the complaint, is of such a serious nature to warrant recording and/or an investigation.

4. Unofficial complaints are any complaints of a non-criminal nature made by a citizen or member/employee where the complainant refuses to provide his/her name, address and telephone number.

As soon as the complaint is deemed to be an unofficial complaint, the Supervisor receiving the complaint will:

a) Cease communication with the complainant in a polite manner;

b) Advise the complainant to fill out a complaint form describing the nature of the complaint.

c) Forward the complaint to the next highest level on the Chain of Command, if the Supervising Officer determines that he/she will not be able to resolve the complaint.

5. Any non-supervisory personnel will not listen to any complaint on any employee, but will refer the complainant to the on-duty Supervisor for review.

6. Any departmental employee that listens to any complaint, without authorization by the Chief of police or his designee, will be guilty of listening to rumors, and may be disciplined according to Section II, Article 8.00 of the Department’s Policy Manual.

7. If a citizen complains directly to any Supervisor, Administrator, or Investigative Officer, personnel from that section will complete a Citizen Complaint Form.

   NOTE: This form serves as a worksheet for all citizen complaints.

8. If a citizen complains to an employee not mentioned above, the employee must:

   a) Refer the complainant to the Investigative Division; or

   b) Refer the complainant to the on-duty Supervisor.

   NOTE: The Supervisor will assist the complainant with the Citizen Complaint Form and forward the information through the Chain of Command.
B. Investigative Jurisdiction

The Chief of Police, or his designee(s), shall review and investigate all citizen complaint forms. Personnel who are the subject of the complaint shall be notified accordingly as soon as possible by the Investigator, unless doing so may jeopardize the investigation.

C. Investigative Procedures

1. The Department has the duty of investigating all complaints through lawful investigatory techniques. The burden of proving guilt rests on the Department. The Chief of Police, or his designee, will be responsible for conducting the investigation in a lawful manner according to the procedures listed herein.

2. The officer conducting the investigation shall be responsible for questioning officers, witnesses, and complainants. Furthermore, the officer shall collect and preserve evidence related to the complaint.

3. The following guidelines will be used by persons conducting internal investigations. For the purpose of conducting such investigations and issuing appropriate orders, the Investigator shall be considered the designee of the Chief of Police.

   a) The interrogation shall take place at a reasonable hour.

   b) The interrogation shall take place at a location designated by the Investigator; however, on-duty personnel will not be ordered to leave their post until their Supervisor has been notified.

   c) Any personnel questioned should be informed of the nature of the investigation, then name of the complainant, if appropriate, the contents of this Manual, status (accused, witness, etc.) and sufficient information to reasonably apprise them of the allegations prior to the interrogation.

   d) Personnel under arrest or suspects in a criminal investigation shall be advised their Miranda Warnings. At no time will Investigators infringe on the rights of personnel. These rights are defined by:

      1) Constitutional Provisions;

      2) State Statutory Provisions;

      3) Court Interpretations;

      4) Merit Ordinance;

      5) Departmental Policy Manual; or

e) The Department shall furnish the accused with an opportunity, if he/she requests, to consult with counsel in cases of criminal allegations before being reasonably delayed. Counsel, if available, or another person of his/her choice, may be present during the interrogation. If Counsel interferes with the proceedings, the Investigator may withdraw permission for Counsel to remain.

f) Interrogations may be recorded mechanically, digitally or Department Stenographer. There will be no “Off the Record” questions or statements, unless agreed upon by the Chief of Police and the accused. All recesses called during the questioning shall be noted on the record.

g) Personnel shall not be subjected to any offensive language, nor shall they be threatened with transfer, dismissal, or other disciplinary action by the Investigator. The Investigator shall make no promises of reward as an inducement to answer questions.

**NOTE** Nothing herein is to be constructed to prohibit the investigating officer from informing the accused that his conduct can become the subject of disciplinary action.

4. Personal property shall not be subjected to unreasonable search or seizure without probable cause. In criminal investigations, the Investigator must obtain a search warrant as required by law. The Investigator may, at any time, order the delivery to him/her of any property, document, or other item which belongs to the Department.

5. Communications in departmental facilities and/or equipment may be monitored and recorded.

6. After reviewing the entire case, the Chief of Police can order any member or employee of the Department to submit to any deception detecting examination or techniques, including but not limited to a polygraph, voice stress test or photo line-up. Deception detecting examinations shall normally be employed only after the following:

   a) All other reasonable investigative leads have been exhausted; and

   b) The citizen/complainant has submitted to and passed such an examination.

7. The Chief of Police can order any member or employee of the Department to submit to any medically acceptable technique to secure non-testimonial evidence, including but not limited to chemical, mechanical or medical examinations.
8. In circumstances where the investigation is conducted by the Investigative Division, the investigation, together with the findings, shall be forwarded to the Chief of Police. The Chief of Police shall take appropriate action. The Chief of Police may direct the findings to be forwarded to other personnel for recommendation when appropriate.

D. Investigative Findings

1. Completed investigations will be classified as either:
   a) Unfounded – The allegation is false, or there is insufficient evidence to support the allegation.
   b) Not Sustained – There is insufficient evidence to either prove or disprove the allegation.
   c) Exonerated – The complaint actually occurred; however, it was lawful and proper in accordance with laws and policies.
   d) Sustained – The allegations, supported by sufficient evidence, creates a reasonable assumption of guilt.
   e) Misconduct Not Based on the Original Complaint – The evidence supports action for infractions discovered during the investigation of a complaint that may be sustained, not sustained, unfounded or exonerated.

2. Upon completion of the investigation, the Chief of Police, or his designee, will notify the complainant of the findings of the investigation.

3. Disciplinary actions recommended or taken as a result of the investigation of a citizens’ complaint will be handled in accordance with the procedures set forth in the Department’s Policy Manual.

4. The Investigative Division will be responsible for maintaining accurate complaint records, and forwarding all reports to the Chief of Police or his designee.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers with the guidelines for assisting citizens in the removal of personal effects from a current or former residence.

II. POLICY

It is the policy of this law enforcement agency that Officers are authorized to assist citizens in removing property from a current or former residence.

III. INTRODUCTION

To preserve peace and maintain civil order, officers of this Department may assist citizens, or other partial individuals, with the removal of personal effects from a current or former residence. Officers should consider themselves a neutral observer, and not engage in civil disputes over custody of property.

IV. PROCEDURES

A. When requested by an individual to assist in the removal of personal property from a specific residence, an officer should make every attempt to provide a police escort. The assisting officer should notify the requesting person of the following stipulations:

1. Entrance into the residence can only be granted by the current resident(s).

   NOTE: This does not apply if the requesting person currently resides at the residence where property will be removed.

2. Disputed property cannot be taken from the residence, unless both parties agree to the removal of any item of common interest.

   NOTE: Disputed property is a civil matter and should be handled through the proper civil process.

B. After explaining the aforementioned stipulations with the requesting individual, the officer should notify the Department’s Communication Officer of the following:

1. Location of the residence;

2. Name of Complainant;

3. Name of person(s) in apparent control of the residence; and

4. Nature of the call. (EXAMPLE: Escort to Remove Personal Effects)
C. When an officer arrives at the residence (location) in question, the officer should make contact with the person in apparent control of the property. The officer should do the following:

1. Explain the legal justification and limitations of your visit; and
2. The name of the person requesting the escort to remove property.

D. If the person in apparent control of the residence elects to refuse the request by the complainant to remove property, the officer should inform the complainant of the property owner’s decision.

   **NOTE:** The complainant has a right to consult a civil lawyer or judicial official to initiate the civil process required to obtain disputed property.

E. If the person in apparent control of the residence agrees to the complainant’s request to remove property, the officer may stand-by while the property is being removed.

   **NOTE:** Constant police presence during the removal of personal effects may eliminate potential risks of domestic violence and ensure peace is maintained throughout the process.

F. At no time should an officer carry, handle or assist the complainant in the removal of personal effects. The officer should remain a neutral party.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers with the guidelines for providing assistance to victims and witnesses.

II. POLICY

It is the policy of this law enforcement agency that Officers will treat all victims and witnesses with compassion, fairness, dignity, and respect. Victims and witnesses will be informed of assistance available from the Department, other elements of the criminal justice system, and community service agencies. Survivors may be considered among victims.

III. INTRODUCTION

Victim/witness assistance may be required in the following incidents:

➢ Murder and attempted murder.
➢ Fatal motor vehicle accidents.
➢ Serious assaults.
➢ Sexual offenses.
➢ Suicides.
➢ Robberies.
➢ Burglaries.
➢ Domestic incidents.
➢ Other incidents where the victim, witness, or survivor is traumatized and in need of services.

IV. PROCEDURE

A. Agency Responsibilities

As soon as feasible, but within 72 hours after identifying a victim covered by this Policy, the Department will provide the victim with the following information:

1. The availability of medical services, if needed.
2. The availability of crime victims' compensation and the telephone number of the
agency responsible for dispensing funds.

3. The address and telephone number of the District Attorney's office responsible for prosecuting the case.

4. The name and telephone number of an investigating officer whom the victim may contact if the victim has not been notified of an arrest in the case within six months after the crime was reported to the Department.

5. Information about the accused's opportunity for pretrial release.

6. The name and phone number of a Department employee whom the victim may contact to find out if the accused has been released from custody.

Upon receiving this information, the victim will indicate on a form provided by the Department whether the victim wishes to receive further notices from the Department. If the victim elects to receive further notices, the victim will be responsible for notifying the Department of any changes in the victim's name, address, and telephone number.

As soon as feasible, but within 72 hours after the arrest of a person believed to have committed a crime covered by this General Order, the Department will notify the victim of the arrest. As soon as feasible, but within 72 hours after receiving notification that the accused has been arrested, the Department will forward to the appropriate District Attorney's office the victim's name, address, date of birth, Social Security number, race, sex, and telephone number.

If the victim refuses to disclose any or all of this information, the Department will so inform the District Attorney's office. The Department will provide appropriate assistance in the event that a victim/witness is threatened or feels threatened. The appropriate assistance will be determined based on the circumstances, and may range from offering kind words of encouragement, to arranging for protective custody through the District Attorney's office, to re-arresting the offender.

If the Department becomes aware of danger to a victim/witness, the Department will promptly attempt to alert the victim/witness. When the victim is located in another jurisdiction, the Department will attempt to contact the appropriate agency to inform them of the situation and request that reasonable precautions be taken.

B. Initial Investigation

The initial investigating officer will:

1. Inform victims/witnesses of specific available services such as:
   a) Local medical facilities.
   b) Rockingham County's HELP. Incorporated for sexual assault victims.
   c) Interact of Rockingham County for emergency shelter, informal counseling, and/or companionship for women victims of domestic violence or sexual assault.
d) Emergency shelter from the Salvation Army, and Traveler’s Aid; the on-duty Shift Supervisor or higher may approve free emergency shelter at participating hotels and motels.

e) Public and private treatment services for substance abuse.

f) Compensation up to $500 for medical or mental health treatment for rape victims 12 years of age and older under the North Carolina Rape Victim Assistance Program, provided that the sexual assault is reported to police within 72 hours of occurrence.

g) Compensation for injuries or loss of property through the court system when an arrest has been made; the victim must contact the District Attorney’s office prior to the court date and complete a victim impact statement.

h) Compensation for economic loss in excess of $100 for victims of crime or DWI accidents through the North Carolina Crime Victim’s Compensation Commission; the victim must report the crime to police within 72 hours of occurrence, then submit a notarized form to the Compensation Commission; the victim may obtain specific information regarding the benefits and limitations of this program by contacting the Victim and Justice Services Division of the North Carolina Department of Crime Control and Public Safety.

i) Additional resources listed in the ‘Community Services’ section of the telephone directory and the NC Department of Human Services website.

2. Provide the victim/witness with the case number and outline subsequent steps in processing the case, including what could be expected of the victim/witness.

3. Provide the victim/witness with the Communications Center administrative telephone number and the Victim Assistance Coordinator’s telephone number in order that the victim/witness may communicate with the officer to request or provide information regarding the case status. If the case is reassigned to the Criminal Investigations Division, the detective will provide a contact number during the initial meeting with the victim/witness.

4. Instruct the victim/witness to call 911 if threatened by the suspect or the suspect’s companions or family.

C. Follow Up Investigation

As a follow-up to the initial investigation, the follow-up investigator will:

1. In order to determine if the victim's/witness's needs are being met, attempt a second contact within two weeks of the initial contact in rape and other serious offenses involving significant trauma.

2. Explain the procedures involved in the prosecution of the victim's/witness's case and the victim's or witness's role in those proceedings, if it will not jeopardize
successful prosecution of the case. Assist the victim/witness during court proceedings as the need arises.

3. Whenever possible, schedule lineups, interviews, and other required appearances at the convenience of the victim/witness. If necessary, provide transportation for the victim/witness.

4. Provide secure waiting areas during pre-arrest, arrest, and post-arrest procedures, and ensure that the victim/witness does not come into close proximity to suspects or associates unless necessary for the investigation.

5. Honor the victim's/witness's request for the presence of a victim advocate during lineups or similar proceedings and assist the victim/witness in locating one.

6. Instruct the victim/witness to call 911 if threatened by the suspect or the suspect's companions or family or contact the follow-up investigator if being harassed.

7. Return property belonging to the victim/witness as promptly as possible when it is no longer needed for evidence.

8. Notify the victim when an arrest has been made involving an assigned case. Provide the charges and defendant's current custody status, when known. Instruct the victim to call the magistrate's office to check on the defendant's ongoing custody status.

9. As needed, ask the Victim Assistance Coordinator to assist the victim/witness during the follow-up investigation.

10. Maintain the confidentiality of the victim/witness to the fullest extent possible.

D. Coordination of Victim/Witness Assistance

The Department's victim/witness assistance efforts will be the shared responsibility of all members of the Department, and will be coordinated by the Victim Assistance Coordinator.

When possible, the Department will utilize volunteers and/or college interns to assist with clerical duties, program evaluation, and the provision of direct services to victims/witnesses as appropriate.

Referral information will be available 24 hours per day from a single point of contact. Victims/witnesses may call the 911 emergency response line for information anytime. Victims/witnesses may also call the Investigations Commander or the District Attorney's Victim Assistance Coordinator during daytime hours.

Both sworn and non-sworn personnel will be trained on victim/witness rights, the responsibilities of law enforcement agencies, and the types of assistance available. Initial training will be conducted during the employee's orientation or field training period. Subsequent training will be provided periodically. Each employee will receive a copy of North Carolina General Statute15A-825 'Rights of Victims/Witnesses.'

The Department will maintain liaisons with other criminal justice agencies,
governmental and non-governmental agencies, and organizations concerned with the needs and rights of victims/witnesses. The Victim Assistance Coordinator will actively participate in efforts by statewide committees and task forces pursuing issues that affect victims/witnesses.

At least once every three years, the Department will complete a documented review of victim/witness assistance needs and services. In conjunction with this analysis, the Department will have the NC Department of Health and Human Services website available.

The Victim Assistance Coordinator will develop and maintain suitable informational material on available victim/witness services for distribution to the public. Specific duties of the Victim Assistance Coordinator will include:

1. Scheduling assignments for interns and volunteers.
2. Maintaining a sufficient quantity of brochures and other necessary information regarding victim/witness assistance services.
3. Reviewing police reports to determine victims’ eligibility for the program.
4. Reporting all arrests in domestic assault cases to the District Attorney’s office, and reporting domestic assault victim and suspect information to Rockingham County Department of Social Services.
5. Providing victim assistance training to all members of the Department.
6. Ensuring that all victim/witness contacts are properly documented.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers of this agency with guidelines for interacting with the mentally ill.

II. POLICY

It is the policy of this law enforcement agency that officers will provide individuals suspected of suffering from mental illness with the same high level of service and protection provided to anyone else. Reasonable procedural adjustments may be made to accommodate individual needs on a case-by-case basis. Individuals will not be taken involuntarily into custody by reason of mental illness alone, but only if they have committed an arrestable offense or have demonstrated by their actions to be a threat to the life or safety of themselves or others.

Officers will restrain and transport persons in need of emergency mental commitment and those named in involuntary commitment orders to an appropriate mental health facility for evaluation. The Department will provide transportation, when manpower permits, for individuals who wish to commit themselves to a mental facility. A sworn officer will perform all mental commitments.

III. DEFINITIONS

Mental Illness: For the purpose of this order, an illness that lessens the capacity of an individual to exercise self-control, judgment, and discretion in the conduct of his or her affairs and social relations to the degree that it is necessary or advisable for the person to be under treatment, care, supervision, guidance, or control.

Mental Commitment: For the purpose of this order, taking custody of and transporting an individual in need of mental health evaluation and treatment.

Involuntary Emergency Commitment: Mental commitment executed by an officer without a commitment order on file.

Involuntary Non-Emergency Commitment: Mental commitment executed by an officer in accordance with an involuntary commitment order issued by a magistrate or clerk of court.

Voluntary Commitment: Mental commitment of a person who independently and personally decides to be admitted to a treatment facility.
24-Hour Facility: A facility that provides a structured living environment and services for a period of 24 consecutive hours or more. Currently, John Umstead Hospital in Butner, North Carolina is our region's 24-Hour Facility.

IV. PROCEDURE

A. Employee Training

All employees will receive training on how to interact with individuals suspected of suffering from mental illness. Entry-level personnel will receive documented training during new employee orientation. Refresher training will be provided to all employees at least every three years.

B. Recognition of the Characteristics of Mental Illness

When called upon to interact with an individual exhibiting abnormal behavior that is suspected of being symptomatic of mental illness, recognition of the characteristics of mental illness may help employees decide on an appropriate response.

Symptomatic behavior should be evaluated within the total context of the situation when attempting to determine an individual’s mental state and the need for intervention. Guidelines for recognition of the symptoms of mental illness will be provided in employee training.

C. Procedures for Accessing Resources

Communications personnel will have ready access to referral information for available community mental health resources and authorized emergency evaluation facilities and will, upon request, provide this information to employees or citizens. During training, employees will be familiarized with procedures for accessing available community mental health resources.

D. Guidelines for Responding

When responding to individuals who exhibit symptoms of mental illness, employees should gather as much information as possible to assess and stabilize the situation. Specific guidelines for dealing with individuals who are suspected of suffering from mental illness will be provided in employee training.

No individual will be arrested for behavioral manifestations of mental illness that are not criminal in nature. Taking a mentally ill individual into custody can occur only when the individual:

1. Has committed a crime, or

2. Presents a danger to the safety of himself/herself or others and meets the criteria for involuntary emergency or non-emergency mental commitment.

E. Crisis Intervention Team

The Mayodan Police Crisis Intervention Team (CIT) works in partnership with public...
safety communications, health professionals, and the community to reach the common goals of safety, understanding, knowledge, and service to individuals who are in crisis and who exhibit symptoms of mental illness.

Officers on the Crisis Intervention Team receive specialized training and are certified to work with mentally ill individuals and their families. When responding to individuals who exhibit symptoms of mental illness, employees should use the Crisis Intervention Team as a resource.

Whenever possible, a member of the Crisis Intervention Team should be dispatched to calls for service involving mentally ill individuals. The first Crisis Intervention Team member on the scene will assume responsibility for the call. Additional officers on the scene will provide backup as necessary. Following each call, the Crisis Intervention Team member will submit a report to the Crisis Intervention Team Coordinator.

F. Commitment Procedures

1. Involuntary Emergency Commitment

Any person subject to involuntary commitment due to mental illness and who requires immediate hospitalization to prevent harm to himself or others will be taken into immediate custody and restrained in an appropriate manner.

The officer will then transport the person to Rockingham County Mental Health or Daymark Recovery Services from the hours of 8:00 am to 4:00 pm for evaluation. After hours commitments should be taken to Morehead Memorial Hospital in Eden, North Carolina or Annie Penn Hospital in Reidsville, North Carolina.

If inpatient treatment is recommended, the officer will transport the person to the Rockingham County Sheriff’s Office. The Rockingham County Sheriff’s Office is responsible for providing transportation to the 24-hour facility.

If the examining psychiatrist recommends outpatient treatment, the officer will transport the person back to his or her residence or to the home of a consenting individual. In the event that the examining psychiatrist finds no evidence of mental illness, the person will be released and the proceedings terminated. If the person so desires, the officer will provide transportation back to the person’s residence.

2. Involuntary Non-Emergency Commitment

Once the officer has verified that an order for involuntary commitment is on file, the officer will take the subject of that order into custody and restrain in an appropriate manner with reasonable force. If the officer does not have the actual order in his possession when the person is taken into custody, he must obtain the order before the person is transported to an area mental health facility for examination.

If the examining psychiatrist recommends inpatient treatment, the officer will transport the person to the Rockingham County Sheriff’s Office. If the selected
hospital is within reasonable driving distance, the officer will transport the person to the facility. If outpatient treatment is recommended, the officer will return the completed commitment order to the magistrate's office and transport the person back to the person's residence or to the home of a consenting individual.

3. Voluntary Commitment

The Department will provide transportation, if staffing levels permit, for individuals wishing to commit themselves to a mental institution. If there is no one available to transport the individual, the Department will make every reasonable effort to locate an alternative source of transportation.

4. Transportation of Persons Subject to Evaluation

An officer of the same sex should provide transportation for persons subject to mental health evaluation, unless a family member of the person accompanies the person during transport.

The preferred option is to have a family member accompany the patient. The second option, if necessary, is to call in a sworn employee of the Department who is the same sex as the person being transported. As a last resort, the officer may be accompanied by a non-sworn employee of the Department or an available professional.
MAYODAN POLICE DEPARTMENT
Emergency Action and Mobilization Plan
Policy and Procedures

Number 2.06

Effective Date: January 1, 2014
Reevaluation Date: January 2018

I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers with the guidelines to be used to initiate a Departmental response to a large-scale incident or disaster.

II. POLICY

It is the policy of this law enforcement agency that Officers will be trained and prepared to maintain a consistent approach when dealing with large scale emergencies. Utilizing the National Incident Management System (NIMS) and the Incident Command System (ICS) is imperative for operational success.

III. INTRODUCTION

For the purposes of this policy, an emergency action and mobilization plan may be required for situations which threatens or involves the safety of numerous persons; involves extensive property damage; threatens or involves a serious public health hazard; requires the services of a majority of the on-duty personnel or the calling-up of off-duty personnel; the assistance of other law enforcement and emergency services agencies; and which usually requires field supervision of a supervising officer and/or staff direction of other superior officers.

Such emergencies include: major fires or explosions; chemical spills; nuclear accidents; aircraft crashes; civil disorders; weather-related emergencies; or other similar incidents. This policy is intended only to guide personnel into the initial stages of the Department's response to an incident.

Mobilization Plan refers to call back procedures and the recommended response time, expected of those who are called back, depending on the severity of the disaster or emergency.

IV. PROCEDURE

A. National Incident Command System (NIMS)

Incident Command System (ICS)

In order to maintain a consistent approach in the advanced preparation and planning for unusual occurrences, the Department has adopted the provisions and guidelines associated with the National Incident Management System and the Incident Command System.

NIMS training will be provided to each employee through instructional materials.
taught by the Rockingham County Fire Marshall’s Office.

B. Mutual Aid Agreements

In accordance with G.S. 160A-288, the Department routinely enters into mutual aid agreements with other law enforcement agencies. All mutual aid agreements must be signed by the Chief of Police or designee and the head of the other law enforcement agency, or their designee.

All original mutual aid agreements will be updated and maintained by the Communications Center. The Criminal Investigations Division Commander will also maintain a copy of all valid agreements.

C. Operational Guidelines

1. Upon notification of a disaster or emergency, the Communications Officer will:
   a) Notify the on-duty supervising officer.
   b) Notify the chain of command, if necessary.
   c) Recall all units checked out of service, if necessary.
   d) Coordinate with on-scene officers and supervisors in assigning personnel to the incident.

2. The on-duty supervising officer will be responsible for the control and field supervision of the incident, and for:
   a) Keeping the chain of command informed of significant information concerning the incident and with approval, contacting the Rockingham County Emergency Services Director.
   b) Coordinating requests through the chain of command for additional manpower, equipment, and services, including requesting Mutual Aid assistance from other local governments, municipal, state or federal agencies.
   c) Establishing and maintaining field contact and liaison with assisting agencies.
   d) Establishing a field command post, as needed.
   e) Coordinating response to and handling of the incident with the Division Commanding Officer.
   f) Implementing an operational plan to handle the incident.
   g) Establishing an emergency operation center, as needed.

D. Mobilization Plan

1. Procedure
The on-duty supervisor and/or a Division Commander will have the authority to clarify the level of the emergency and mobilize any or all of the following units or personnel:

a) Rockingham County Special Response Team
b) Off-duty sworn personnel.
c) Off-duty non-sworn personnel.
d) Any local law enforcement agency participating in an existing Mutual Aid Agreement with the Department.
e) Contact the Rockingham County Emergency Services Director.

2. Response Times

Recommended response time for call-back personnel will be as follows:

a) Level One Emergency:
   One (1) hour or less. (Examples: Riot, Plane Crash, Natural Disaster)

b) Level Two Emergency:
   Two (2) hours or less. (Example: Weather Related Problems)
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers of this agency with guidelines for the utility and management of social media and provides guidance on its management, administration, and oversight. This policy is not meant to address one particular form of social media, rather social media in general, as advances in technology will occur and new tools will emerge.

II. POLICY

It is the policy of this law enforcement agency that Officers will be allowed to use social media tools, whether personally or professionally, under certain guidelines set forth in this policy. Social media provides a new and potentially valuable means of assisting the department and its personnel in meeting community outreach, problem-solving, investigative, crime prevention, and related objectives. This policy identifies potential uses that may be explored or expanded upon as deemed reasonable by administrative and supervisory personnel. The department also recognizes the role that these tools play in the personal lives of some department personnel. The personal use of social media can have bearing on departmental personnel in their official capacity. As such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by department personnel.

III. DEFINITIONS

- **Blog**: A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for “Web Log.”

- **Page**: The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrative rights.

- **Post**: Content an individual shares on a social media site or the act of publishing content on a site.

- **Profile**: Information that a user provides about himself or herself on a social networking site.

- **Social Media**: A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, MySpace), microblogging sites (Twitter, Nixle), photo- and video-sharing sites (Flickr, YouTube), wikis.
Social Networks: Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.

Speech: Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.

Web 2.0: The second generation of the World Wide Web focused on shareable, user-generated content, rather than static web pages. Some use this term interchangeably with social media.

Wiki: Web page(s) that can be edited collaboratively

IV. PROCEDURES

A. On-The-Job Use

1. Department-Sanctioned Presence

   a) Determine strategy

      1) Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the agency's presence on the website.

      2) Where possible, the page(s) should link to the department's official website.

      3) Social media page(s) shall be designed for the target audience(s) such as youth or potential police recruits.

   b) Procedures

      1) All department social media sites or pages shall be approved by the chief executive or his or her designee and shall be administered by the departmental information services section or as otherwise determined.

      2) Where possible, social media pages shall clearly indicate they are maintained by the department and shall have department contact information prominently displayed.

      3) Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies.

         a. Content is subject to public records laws. Relevant records retention schedules apply to social media content.

         b. Content must be managed, stored, and retrieved to comply with open records laws and e-discovery laws and policies.
4) Where possible, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the department.
   a. Pages shall clearly indicate that posted comments will be monitored and that the department reserves the right to remove obscenities, off-topic comments, and personal attacks.
   b. Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.

c) Department-Sanctioned Use
1) Department personnel representing the department via social media outlets shall do the following:
   a. Conduct themselves at all times as representatives of the department and, accordingly, shall adhere to all department standards of conduct and observe conventionally accepted protocols and proper decorum.
   b. Identify themselves as a member of the department.
   c. Not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to department training, activities, or work-related assignments without express written permission.
   d. Not conduct political activities or private business.
2) The use of department computers by department personnel to access social media is prohibited without authorization.
3) Department personnel use of personally owned devices to manage the department’s social media activities or in the course of official duties is prohibited without express written permission.
4) Employees shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

2. Potential Uses
a) Social media is a valuable investigative tool when seeking evidence or information about
   1) missing persons;
   2) wanted persons;
   3) gang participation;
   4) crimes perpetrated online (i.e., cyberbullying, cyberstalking); and
   5) photos or videos of a crime posted by a participant or observer.
b) Social media can be used for community outreach and engagement by
   1) providing crime prevention tips;
   2) offering online-reporting opportunities;
   3) sharing crime maps and data; and
   4) soliciting tips about unsolved crimes (i.e., Crimestoppers, text-a-tip).

c) Social media can be used to make time-sensitive notifications related to
   1) road closures,
   2) special events,
   3) weather emergencies, and
   4) missing or endangered persons.

d) Persons seeking employment and volunteer positions use the Internet to
   search for opportunities, and social media can be a valuable recruitment
   mechanism.

e) This department has an obligation to include Internet-based content
   when conducting background investigations of job candidates.

f) Searches should be conducted by a nondecision maker. Information
   pertaining to protected classes shall be filtered out prior to sharing any
   information found online with decision makers.

g) Persons authorized to search Internet-based content should be deemed as
   holding a sensitive position.

h) Search methods shall not involve techniques that are a violation of
   existing law.

i) Vetting techniques shall be applied uniformly to all candidates.

j) Every effort must be made to validate Internet-based information
   considered during the hiring process.

B. Personal Use

1. Precautions and Prohibitions

   Barring state law or binding employment contracts to the contrary, department
   personnel shall abide by the following when using social media.

   a) Department personnel are free to express themselves as private citizens on
      social media sites to the degree that their speech does not impair working
      relationships of this department for which loyalty and confidentiality are
      important, impede the performance of duties, impair discipline and
      harmony among coworkers, or negatively affect the public perception of
      the department.

   b) As public employees, department personnel are cautioned that speech on-
      or off-duty, made pursuant to their official duties—that is, that owes its
      existence to the employee’s professional duties and responsibilities—is
not protected speech under the First Amendment and may form the basis
for discipline if deemed detrimental to the department. Department
personnel should assume that their speech and related activity on social
media sites will reflect upon their office and this department.

c) Department personnel shall not post, transmit, or otherwise disseminate
any information to which they have access as a result of their employment
without written permission from the chief executive or his or her
designee.

d) For safety and security reasons, department personnel are cautioned not
to disclose their employment with this department nor shall they post
information pertaining to any other member of the department without
their permission. As such, department personnel are cautioned not to do
the following:

1) Display department logos, uniforms, or similar identifying items on
personal web pages.

2) Post personal photographs or provide similar means of personal
recognition that may cause them to be identified as a police officer
of this department. Officers who are, or who may reasonably be
expected to work in undercover operations, shall not post any form
of visual or personal identification.

e) When using social media, department personnel should be mindful that
their speech becomes part of the worldwide electronic domain. Therefore,
adherence to the department’s code of conduct is required in the personal
use of social media. In particular, department personnel are prohibited
from the following:

1) Speech containing obscene or sexually explicit language, images, or
acts and statements or other forms of speech that ridicule, malign,
disparage, or otherwise express bias against any race, any religion,
or any protected class of individuals.

2) Speech involving themselves or other department personnel
reflecting behavior that would reasonably be considered reckless
or irresponsible.

f) Engaging in prohibited speech noted herein, may provide grounds for
undermining or impeaching an officer’s testimony in criminal proceedings.
Department personnel thus sanctioned are subject to discipline up to and
including termination of office.

g) Department personnel may not divulge information gained by reason of
their authority; make any statements, speeches, appearances, and
endorsements; or publish materials that could reasonably be considered to
represent the views or positions of this department without express
authorization.

h) Department personnel should be aware that they may be subject to civil
litigation for
1) publishing or posting false information that harms the reputation of another person, group, or organization (defamation);

2) publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person;

3) using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose; or

4) publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.

i) Department personnel should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.

j) Department personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the department at any time without prior notice.

k) Reporting violations—Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provision of this policy shall notify his or her supervisor immediately for follow-up action.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers of this agency with guidelines for handling Domestic Violence complaints from the initial response through the Criminal Court proceedings.

II. POLICY

It is the policy of this law enforcement agency that officers will perform professional and comprehensive investigations into any complaint or allegation of Domestic Violence, and be proactive in arresting persons suspected of Domestic Violence assaults.

III. INTRODUCTION

A. This policy establishes the guidelines for officers of the Department to abide by in responding to Domestic Violence complaints. In some situations, mandatory arrest of an alleged Assailant is required, while in other cases officers may use their discretionary judgment when considering arrest of an alleged Suspect.

B. This order further elaborates on other means of assistance in which responding officers may provide to Victims of Domestic Violence.

IV. DEFINITIONS

A. Domestic Violence – Domestic Violence means 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 aggrieved party by a person with whom the aggrieved party has or has had a personal relationship, but does not include acts of self-defense:

1. Attempting to cause bodily injury, or intentionally causing bodily injury; or

2. Placing the aggrieved party or a member of the aggrieved party’s family or household in fear of imminent serious bodily injury or continued harassment, as defined in G.S. 14-277.3, that rises to such a level as to inflict substantial emotional distress; or


B. Personal Relationship – For purposes of this section, the term personal relationship means a relationship wherein the parties involved:

1. Are current or former spouses;

2. Are persons of opposite sex who live together or have lived together;
3. Are related as parents and children, including others acting in loco parentis to a minor child, or as grandparents and grandchildren. For purposes of this subdivision, an aggrieved party may not obtain an order of protection against a child or grandchild under the age of 16;

4. Have a child in common;

5. Are current or former household members;

6. Are persons of the opposite sex who are in a dating relationship or have been in a dating relationship. For purposes of this subdivision, a dating relationship is one wherein the parties are romantically involved over time and on a continuous basis during the course of the relationship. A casual acquaintance or ordinary fraternization between persons in a business or social context is not a dating relationship.

C. Probable Cause – Probable Cause is a condition of thinking that is more than just suspicious, but less than actual knowledge or proof beyond a reasonable doubt. It is suspicion, plus facts and circumstances, which would lead a reasonable person exercising ordinary caution to believe that a crime has been, is being or is about to be committed.

D. Serious Misdemeanor Assault – Any non-felonious assault where the victim:

1. Shows any visible signs of injury; or

2. Complains of pain caused by the assault.

   **Note:** Officers may use Victim testimony, in conjunction with obvious visual indicators of injury, to form an opinion as to the seriousness or degree of injury. If the Victim is in obvious pain or complains about internal injuries, officers should immediately question the Victim about medical care from Emergency Medical Personnel or a medical treatment facility. Notification should be made as soon as practical, given the situation at hand.

E. Non-Serious Misdemeanor Assault – Any misdemeanor assault which is not classified as a serious misdemeanor assault.

   **Example:** If the Victim was pushed, shoved or involved in a minor scuffle and there is no visible signs of injury or any complaint of pain as previously indicated above.

V. PROCEDURE

A. Statutory Requirements for Arrest

1. **Non-Serious Misdemeanor Assault**

   When an officer responds to a Domestic Violence complaint and has probable cause to believe the person is a Victim of a Non-Serious Assault, the officer will assist the Victim with taking out a warrant.

   a) The officer may transport the Victim, upon request, if no other means are
available, to the local Magistrate's Office to obtain a Warrant for Arrest.

b) In some cases where the Victim has transportation, but requests an escort due to potential threat or intimidation by the Assailant while enroute to the Magistrate's Office, the officer may provide the escort upon approval by the Shift Supervisor.

2. **Serious Misdemeanor Assault**

When an officer responds to a Domestic Call for Service and finds the Victim of a Serious Misdemeanor Assault, he/she shall arrest the alleged Assailant, who is present at the scene, without a warrant, or draw a warrant for his arrest if he has left the scene, IF:

a) The officer observes the commission of the Serious Misdemeanor; or

b) The officer has probable cause to believe the alleged Assailant has committed a Serious Misdemeanor Assault, and

1) The Suspect will not be apprehended unless he/she is immediately arrested, or

2) The Suspect may cause physical injury to himself/herself, other persons, or damage real or personal property unless immediately arrested.

*NOTE*: Officers must use discretionary judgment when determining whether or not to immediately arrest a Suspect with or without a warrant. The circumstances and events inherent at the scene may determine the course of events to follow.

3. **Felonious Assault**

When an officer responds to a Domestic Call for Service and finds the Victim of a Felonious Assault, he/she shall arrest the alleged Assailant, who is present at the scene, without a warrant, or draw a warrant for his/her arrest if he/she has left the scene, IF:

a) The officer observes the commission of the Felonious Assault; or

b) The officer has probable cause to believe the alleged Assailant has committed the Felonious Assault.

B. **Assistance to Serious Assault Victims**

When an officer responds to a Domestic Call for Service and finds the Victim of a Serious Misdemeanor or Felonious Assault, and the alleged Assailant is no longer present, the officer shall:

1. Transport the Victim, upon request, to the local Magistrate's Office to obtain a Warrant for Arrest if the Victim has no means of transportation, and/or
2. Transport the Victim, upon request, to a place of safety such as a shelter or a residence of a friend or neighbor, and

3. Document the incident using normal procedures of reporting.

C. Violation of a Court Order / General Statute 50-B

1. When an officer responds to a Domestic Call for Service and one (1) of the parties claims that a Court Order bars the other party from the premises or from harassment, the officer shall make a warrant-less arrest for the violation, IF:
   a) The Victim presents a valid Court Order against the Violator, or
   b) The officer determines that such an Order exists, and
   c) There is probable cause to believe that the Order has been violated.

2. In cases where the alleged Violator has left the scene, the officer should advise the Complainant to have an Attorney file a Contempt Action against the Offender.

3. A copy of the Court Order should be furnished to the Department by the Clerk of Court and should be on file in the Communications Office, until such time the Order become invalid.

D. Officer Safety / Responding to Domestics

1. Realizing the volatility of Domestics and the potential danger to officers handling such calls, a back-up officer should always be dispatched to assist the primary officer, including the use and assistance from Mutual Aid Organizations.

2. Officers should respond to family disputes using a silent, high risk approach. Officer should utilize as much cover as possible, stand to either side of a door or window and listen for activity inside the residence.

3. Officers should not enter a residence on voice invitation only, unless someone is in distress.
   a) If entry to a residence is refused, officers should not leave. Officer should explain to the parties that it is their duty to establish that no one is injured.
   b) If officers receive no response at the door, they should check around the perimeter of the residence for unusual activity. Also, officers should check with neighbors and establish as best they can if the current conditions or relationship is stable.

4. Any officer may take one (1) or more of the following actions to enter a building or vehicle when he reasonably believes that doing so is Urgently Necessary to save a life or prevent serious bodily harm.
5. **Urgent Necessity**: § 15A-285. Non-law-enforcement actions when urgently necessary. When an officer reasonably believes that doing so is urgently necessary to save life, prevent serious bodily harm, or avert or control public catastrophe, the officer may take one or more of the following actions:

   a) Enter buildings, vehicles, and other premises.

   b) Limit or restrict the presence of persons in premises or areas.

   c) Exercise control over the property of others. An action taken to enforce the law or to seize a person or evidence cannot be justified by authority of this section. (1973, c. 1286, s. 1.)

   **NOTE**: Failure to receive a response upon knocking would, by itself, not constitute sufficient justification for using forcible entry.

6. Upon entry to a residence, the officer’s first responsibility is to restore calm and separate the Disputants. While restoring order, officers should survey occupants and the residence for safety reasons and check for signs of violence.

E. **Emergency Assistance**

1. Officers are required to respond to every Domestic request for assistance as soon as practical.

2. Officers responding to requests for assistance are authorized to take whatever steps are reasonably necessary to protect the Complainant from harm. Furthermore, officers are authorized to advise the Complainant of sources of shelter, medical care, counseling and other services.

3. Upon request by the Complainant, and where feasible, officers are authorized to transport the Complainant and any minors to appropriate facilities such as hospitals, Magistrate’s Office or any public or private facilities designated as shelters.

4. Officers are authorized to accompany a Victim of Domestic Violence to his or her residence, within the jurisdiction of the Department, so that the Complainant may remove food, clothing, medication and other essential property as is reasonably necessary to enable the Complainant, and any minor children in his or her care, to remain elsewhere pending further proceedings.

   a) If the Complainant is refused entrance to the residence by the co-habitar, the officer will clear from the assignment and advise the Complainant to seek legal action against the other party.

   b) Prior to the Complainant’s entry into the residence, the officer will advise the Complainant that verbal exchanges or an assaultive behavior on his/her part will not be tolerated and the officer will leave the assignment if this condition is violated.

   c) If the Complainant and/or their minors need transportation, the officer may transport them to a suitable location within the jurisdiction of the
NOTE: In providing the assistance authorized in this General Order, no officer may be held criminally or civilly liable on account of reasonable measures taken under authority of this General Order.

F. Documentation and Court Preparation

1. Any officer assigned to a Call for Service relating to Domestic Violence shall be required to complete an Incident Report, regardless of whether or not an arrest was made.

2. Officers should also prepare copies of related complaints or other evidence which could assist the Prosecution illustrating the seriousness of the offense.

3. Officers involved in arrest cases of Domestic Violence should contact the District Attorney’s Office several days in advance and advise the Attorney of any particulars surrounding the case.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers of this agency with guidelines for photographing and fingerprinting criminal defendants.

II. POLICY

It is the policy of this law enforcement agency that officers will photograph and fingerprint criminal defendants during the course of an arrest or criminal investigation as authorized by North Carolina Law.

III. INTRODUCTION

General Statute § 15A-502: Photographs and Fingerprints

A. A person charged with the commission of a felony or a misdemeanor may be photographed and his fingerprints may be taken for law-enforcement records only when he has been:
   1. Arrested or committed to a detention facility, or
   2. Committed to imprisonment upon conviction of a crime, or
   3. Convicted of a felony. It shall be the duty of the arresting law-enforcement agency to cause a person charged with the commission of a felony to be fingerprinted and to forward those fingerprints to the State Bureau of Investigation.

B. This section does not authorize the taking of photographs or fingerprints when the offense charged is a Class 2 or 3 misdemeanor under Chapter 20 of the General Statutes, ‘Motor Vehicles.’

C. This section does not authorize the taking of photographs or fingerprints of a juvenile alleged to be delinquent except under Article 21 of Chapter 7B of the General Statutes.

D. This section does not prevent the taking of photographs, moving pictures, video or sound recordings, fingerprints, or the like to show a condition of intoxication or for other evidentiary use.

E. Fingerprints or photographs taken pursuant to subsection (A) may be forwarded to the State Bureau of Investigation, the Federal Bureau of Investigation, or other law-enforcement agencies. (1973, c. 1286, s. 1; 1977, c. 711, s. 22; 1979, c. 850; 1981, c. 862, s. 3; 1993, c. 539, s. 298; 1994, Ex. Sess., c. 24, s. 14(c); 1996, 2nd Ex. Sess., c. 18, s. 23.2(b); 1998-202, s. 13(f).)

IV. PROCEDURE
A. Fingerprinting Requirements

1. Pursuant to North Carolina General Statute 15A-502, a person eighteen (18) years of age or older, arrested by a Law Enforcement Officer for a felony, will be fingerprinted.

2. A person eighteen (18) years of age or older, arrested by a Law Enforcement Officer for a serious misdemeanor, will be fingerprinted. The decision to classify a misdemeanor as a serious misdemeanor rests with the arresting officer and his supervisor.

3. Pursuant to North Carolina General Statute 15A-502, a person eighteen (18) years of age or older, arrested by a Law Enforcement Officer for any misdemeanor, may be fingerprinted. The decision to fingerprint Criminal Defendants in this category rests with the arresting officer and his supervisor and should be based on the investigating or evidentiary value of the fingerprints.

4. Pursuant to North Carolina General Statute 7A-608.1, when jurisdiction over a Juvenile is transferred to the Superior Court, the Courtroom Clerk shall notify the Sheriff, who shall immediately cause the Juvenile to be fingerprinted.

5. No person shall be fingerprinted for any traffic violation, unless the offense is one which carries a fine which exceeds five hundred (500) dollars or carries a penalty of more than six (6) months in jail, or both. An exception to this will be in cases where the operator is charged with a Felony.

B. Arresting Officer’s Responsibilities

1. The responsibility for fingerprinting a criminal defendant lies with the arresting officer. Officers are not required to fingerprint criminal defendants at the Department. The County Sheriff’s Department has the necessary equipment and trained personnel to handle any fingerprint requests.

2. Upon arresting a criminal defendant for any offense that requires fingerprinting, the officer shall complete Final Disposition Report and return to the Magistrate’s Office. This report will be placed in the criminal defendant’s file.

3. Officers utilizing the Live Scan Fingerprint Equipment, provided by the County Sheriff’s Department, must follow all the rules, regulations and policies set forth by that agencies protocol.

4. Officers shall photograph anyone arrested or charged with a criminal offense. Pursuant to applicable laws concerning photographs, officers shall use a digital camera and submit the photographs to the Communications Officer.

5. The Communications Officer will attach each photograph in the Name File associated with the Department’s Records Management System. These photographs can be used in association with the statewide P2P System.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers of this agency with guidelines for handling juveniles.

II. POLICY

It is the policy of this law enforcement agency that Officers will manage each juvenile case in a manner that ensures appropriate enforcement action to best meet the needs of the juvenile and protect the public. School Resource Officers and Criminal Detectives will function to support Patrol Officers in all cases involving juveniles as victims or suspects.

III. INTRODUCTION

All employees will be responsible for their actions relating to juvenile cases and will coordinate efforts, as appropriate, with other agencies including the Rockingham County Human Services and the North Carolina Office of Juvenile Justice.

IV. DEFINITIONS

**Juvenile:** Any person who has not reached his/her eighteenth birthday and is not married, emancipated, or a member of the United States Armed Services; For criminal purposes in North Carolina, any person who has not reached the age of 16.

**Undisciplined Juvenile:** A juvenile between six and 15 years of age who is unlawfully absent from school, or a juvenile aged 16 or 17 who has dropped out of school and who:

* Is regularly disobedient and beyond the disciplinary control of his/her parent/guardian, or custodian.
* Is regularly found in places where it is unlawful for a juvenile to be.
* Has run away from home for a period of more than 24 hours

**Delinquent Juvenile:** A juvenile between six and 15 years of age who has committed a crime or infraction under state law or under any ordinance of local government, including violation of the motor vehicle laws.

**Status Offender:** A juvenile accused or adjudicated for conduct that would not, under the law of the jurisdiction in which the offense was committed, be a crime if it were committed by an adult.

**Temporary Custody:** The taking of a person into physical custody and provision of
personal care and supervision until a court order for secure or non-secure custody may be obtained.

**Non-Secure Custody:** The physical placement of a juvenile into 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.

**Secure Custody:** The physical placement and holding of a juvenile in an approved county detention home or a regional detention facility.

**Diversion:** Any procedure that substitutes:
- Non-entry for official entry into the justice process.
- Lesser supervision or referral to a non-justice agency or no supervision for conventional supervision.
- Any kind of non-confinement status for confinement.

**Non-testimonial Identification:** Court-ordered procedure that requires the presence of a 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, or other reasonable physical examination, handwriting samples, voice samples, photographs, lineups, or similar identification procedures; Non-testimonial identification must to through the District Attorney and be signed by the District Court Judge.

**Intake Counselor:** A person who screens the complaint alleging that a juvenile is delinquent or undisciplined to determine whether a petition should be filed.

### V. OPERATIONS

Officers dealing with juvenile defendants will use the least coercive, most appropriate enforcement alternatives, consistent with preserving public safety, order, and individual liberty.

A. When taking a juvenile into temporary custody, officers should select from the following alternatives the most appropriate course of action dependent upon the situation and needs of the juvenile:

1. Divert the juvenile from the Court by release, counsel and release, release to parents, or referral to community resources.
2. Seek a petition.
3. Seek a petition and request a custody order.

B. When determining the course of action to be taken, officers should note that custody orders are issued only for felonies and serious misdemeanors, such as assaults with injury. Officers should also consider the following factors:
1. Nature of the alleged offense.
2. Age and circumstances of the defendant.
3. Defendant’s juvenile record, if any.
4. Availability of community-based programs.
5. Needs and limitations of the juvenile.
6. Strengths and weaknesses of the family.
7. Concerns of any victims or complainants.

C. Referral to Intake Counselor

At a minimum, juveniles committing offenses in the following categories will be referred to an Intake Counselor:

1. Delinquent acts that would be felonious if committed by an adult.
2. Delinquent acts involving weapons.
3. Serious gang-related delinquent acts.
4. Delinquent acts involving aggravated assaults.
5. Delinquent acts committed by juveniles under probation or by those with a case pending.
6. Repeated delinquent acts within a 12 month period

Other situations that may require referral to an Intake Counselor are:

1. Juveniles who have been selected for a diversion program but who have refused to participate.
2. Cases in which it has been determined that parental supervision is not effective.
3. Cases in which juveniles are alleged to be undisciplined, such as runaways and truants. In these cases the officer will instruct the parent, guardian, or social worker to file the undisciplined petition.

D. Taking a Juvenile into Temporary Custody

Criteria: In accordance with North Carolina General Statute 7B-1900, a juvenile may be taken into temporary custody without a court order in the following circumstances:

1. If grounds exist for the arrest of an adult in identical circumstances under North Carolina General Statute 15A-401 (b).
2. If there are reasonable grounds to believe that the juvenile is undisciplined.
3. If there are reasonable grounds to believe that the juvenile is abused, neglected, or dependent and that he/she would be injured or could not be taken into custody if it were first necessary to obtain a court order.
4. If there are reasonable grounds to believe that the juvenile is an absconder from
any state training school or approved detention facility.

5. If the juvenile is age 16 or 17, the parent, guardian, or custodian requests that the juvenile be taken into custody, and there are reasonable grounds to believe that the juvenile is beyond the disciplinary control of the parent, guardian, or custodian and he/she has been absent from home or has run away; the officer will take the report and immediately enter the juvenile into the National Crime Information Center (NCIC) database. The officer will return custody to the parent, guardian, or custodian unless there are reasonable grounds to believe that the juvenile is abused, neglected, or dependent and would be injured if returned to the parent, guardian, or custodian, in which case Rockingham County Human Services will assume responsibility for custody.

**Duration:** A juvenile taken into temporary custody will not be held for more than 12 hours (or 24 hours if any of the hours fall on Saturday, Sunday, or a legal holiday) unless:

1. A petition or motion for review has been filed by an Intake Counselor or by Rockingham County Human Services, and
2. An order for secure or non-secure custody has been entered by a judge.

**Absconders:** An officer who takes a juvenile into custody as an absconder will, after contacting a judge and receiving an order for secure custody, transport the juvenile to the nearest approved facility providing secure custody. The officer will then contact the administrators of the training school or detention facility from which the juvenile absconded.

**Transportation:** A juvenile will not be placed or transported in any police or other 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.

E. Duties of the Responding Officer

Any officer taking a juvenile into custody will proceed as follows:

1. If any interrogation is anticipated, advise the juvenile of his/her constitutional rights using the **Juvenile Rights Form**. Juveniles under 16 must have a parent, guardian, or custodian present.
2. If deemed necessary, transport the juvenile to the Police Department.
3. Notify the juvenile’s parent, guardian, or custodian that the juvenile has been taken into custody and advise the parent, guardian or custodian of his/her right to be present with the juvenile until a determination is made as to the need for secure custody or parental release.
4. If deemed unnecessary to continue custody, release the juvenile to the parent, guardian, custodian, or their designee and record the parent information as well as information regarding the person who assumes custody on a **Interview/Waiver Form**.
5. Complete a **Parent/Guardian Notification Form** and either give a copy to the
parent, guardian, custodian, or next of kin or attach the form to the *Incident Report* and mail or deliver to the parent. If the officer completing the form is not the charging officer, the form should be checked ‘Charges Pending.’ The officer completing the form should include his/her name as the investigating officer.

6. Either forward the case to a Criminal Detective or take immediate action as directed by the Shift Supervisor.

7. If immediate action is needed (such as for a serious Felony or violent Misdemeanor) that would require the issuance of an order for secure custody:
   a. Contact an Intake Counselor with Rockingham County Juvenile Services or, if after business hours, contact the on-call Intake Counselor through the Rockingham County Magistrate’s Office and explain the situation. The Intake Counselor or Magistrate’s Office will determine if the need is sufficient to justify a secure custody order, and will arrange for the issuance of the order and for an approved detention facility to accept the juvenile.
   b. If necessary, particularly after business hours, transport the juvenile to the approved detention facility.
   c. Complete an Arrest Report including all correspondence in the narrative section.

8. If the juvenile is alleged to be abused, neglected, or dependent:
   a. Contact the Child Protective Services Unit of Rockingham County Human Services, explain the conditions and allegations, and receive advice as to whether to remove the juvenile from his/her present surroundings.
   b. If the situation dictates and all parties agree, temporarily move the juvenile to another location to alleviate the situation while Rockingham County Human Services investigates.

9. If a clear violation has occurred, proceed as for any other violation. Keep in mind that it is not illegal for a parent to use corporal punishment as a means of discipline. Barring any immediate threat of injury to the juvenile, allow Rockingham County Human Services to complete their investigation before deciding whether to arrest a parent.

10. Ensure that all cases alleging abuse, neglect, or dependency are reviewed by a Criminal Detective.

F. Duties of the Charging Officer

The majority of juvenile offenses will be forwarded to a Criminal Detective for further investigation and/or filing of juvenile complaints. Certain types of cases, such as runaways, may be assigned back to the initial officer for follow-up investigation as needed. For cases in which a petition will be sought that alleges delinquent behavior pursuant to North Carolina General Statutes 7B-404, 7B-1803, and 7B-1804, the charging officer will:

1. Complete a *Juvenile Contact Report Form*. 
2. Meet with a Rockingham County Juvenile Services Intake Counselor to discuss the offense.

3. Swear to and sign the complaint(s) before a Notary Public assigned to Rockingham County Juvenile Services.

4. Follow departmental directives if there is a need to place the juvenile in secure custody.

5. Complete the Parent/Guardian Notification Form, listing all charges and including the charging officer’s name and phone number; and attach the completed form to the Incident Report. Records personnel will mail a copy of the notification form to the parent, guardian, or custodian.

G. Issuing Citations

A juvenile 16 years of age or older who has been charged with a traffic misdemeanor or infraction may be issued a Uniform Traffic Citation and processed as an adult. A juvenile less than 16 years of age who is to be charged with a traffic misdemeanor or infraction should proceed according to regular departmental directives pertaining to juveniles.

H. Parental Notification Requirements

An officer who charges a juvenile with a criminal offense will notify the juvenile’s parent, guardian, or custodian as soon as practical, in person or by telephone.

If the juvenile has been taken into custody, the officer or the officer’s supervisor will notify a parent, guardian, or custodian in writing that the juvenile is in custody within 24 hours of the juvenile’s arrest.

If the parent, guardian, or custodian of the juvenile cannot be located, the officer or the officer’s supervisor will notify the juvenile’s next of kin of the arrest as soon as practical.

Notification of a juvenile’s parent, guardian, or custodian is not required if the juvenile:

Is emancipated, or

1. Has been charged with a motor vehicle moving violation for which three or fewer points are assessed under North Carolina General Statute 20-16 (c), except an offense involving impaired driving, or

2. Has been charged with a motor vehicle offense that is not a moving violation.

I. Interrogation Procedures

Any juvenile taken into custody must be advised of the following prior to questioning:

1. That he/she has the right to remain silent.

2. That any statement he/she does make can be and may be used against him/her.

3. That he/she has the right to have a parent, guardian, or custodian present during questioning.

4. That he/she has the right to consult with an attorney, and that one will be appointed for him/her if he/she is not represented and wants representation.
When a 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 and the juvenile must be advised of the juvenile's rights. A parent, guardian, or custodian may not waive rights on behalf of the juvenile, but the juvenile may confer with the parent or guardian.

No more than two officers should engage in the interrogation of a juvenile. The duration of interrogation involving juveniles should normally be limited to no more than two hours at any one session. The officer(s) conducting the interrogation will explain departmental and juvenile justice system procedures to juveniles being interrogated.

If a juvenile indicates in any manner or at any point of questioning that he/she does not wish to be questioned further, the interrogating officer will cease questioning.

Non-testimonial identification procedures will not be conducted on any juvenile without a court order unless the juvenile has been transferred to Superior Court for trial as an adult.

J. Processing of Juveniles

1. Non-Testimonial Identification Procedures

Juveniles will not be processed and non-testimonial identification procedures will not be conducted without a court order unless the juvenile has been transferred to Superior Court for trial as an adult.

A District Attorney must seek non-testimonial identification orders. Non-testimonial identification includes identification by fingerprints, palm-prints, footprints, measurements, urine specimens, saliva samples, photographs, lineups, or similar identification procedures requiring the presence of the juvenile.

For alcohol-related motor vehicle offenses, juveniles are subject to the same DWI statutes that apply to adults, and therefore in these cases chemical analysis procedures do not require a non-testimonial identification order.

The following are grounds for a non-testimonial identification order:

a. The offense must be a Felony, or the officer must have probable cause to believe that an offense has been committed that would be a Felony if committed by an adult.

b. The officer must have reasonable grounds to believe that the juvenile committed the offense.

c. The results of the procedure will be of material aid in determining whether the juvenile named committed the offense.

d. The juvenile requests that non-testimonial procedures be conducted upon himself/herself (a court order is still needed).

2. Destruction of Records from Non-Testimonial Identification Procedures

The results of any non-testimonial identification procedures will 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 will be destroyed.

b. If a case is in the District Court or Superior Court pursuant to a transfer and the juvenile is found not guilty, all records resulting from a non-testimonial order will be destroyed. In the case of a juvenile who is under 13 years of age and who is adjudicated to have committed a delinquent act, which would be less than a felony had the juvenile been an adult, all records will be destroyed.

c. If a juvenile 13 years of age or older is found to have committed a delinquent act which would be a felony if committed by an adult, all records resulting from a non-testimonial order may be retained in the court file. Special precautions will be taken to ensure that these records are maintained under safeguards to limit their use to inspection for comparison purposes by law-enforcement officers only in the investigation of a crime.

d. If a juvenile is transferred to Superior Court, all records resulting from non-testimonial identification procedures will be processed as in the case of an adult.

e. Any evidence seized pursuant to a non-testimonial order will be retained by the officer until a further order is entered by the Court.

f. The destruction of non-testimonial identification records will be performed in accordance with departmental directives. After destruction, the Department will make written certification to the Court of the destruction.

K. Agency Records Pertaining to Juveniles

The Department’s Records Supervisor is responsible for the collection, maintenance, dissemination, and retention of juvenile records.

1. Maintenance and Retention

All arrest and identification records pertaining to juveniles will be kept separate from adult records. The expunction of juvenile arrest records can be accomplished only by a valid court order. The Records Supervisor will carry out all expunctions. When a juvenile defendant reaches his/her 18th birthday, he/she can petition the Court to purge his/her records. A court order will be sent to the Records Supervisor.

2. Review and Disclosure

Records may be viewed by law enforcement officers on a need-to-know basis only with the approval of the on-duty supervisor. The following positions will have password protected access to these records:

a. The Records Supervisor and Records personnel will have full access to all juvenile records for entry, expunction, and other lawful purposes.
b. School Resource Officers, the Criminal Investigations Division and Patrol Supervisors will have limited access to juvenile records, to the extent that they may review Incident Reports and an individual juvenile's prior contacts.

c. With the approval of the Shift Supervisor, all other officers of the Department will have limited access to the records of an individual juvenile involved in a case they are directly investigating.

d. To guard against indirectly identifying a juvenile through parent information, officers will capture parent information only within the narrative section of the report for any case involving a juvenile as suspect or victim.

The password of any employee with access to these records will be changed in the event of transfer, retirement, or termination of employment.

Juvenile records are not public records, and access to any law enforcement record concerning a juvenile will be limited only to the prosecutor, the court counselor, the juvenile, and the juvenile's parent, guardian, or custodian. Necessary information may be shared among authorized agencies in accordance with applicable state law.

L. Participation in Community-Based Youth Programs

The Department supports a philosophy of youth interaction and encourages all employees to volunteer their time and become active in community recreational youth programs sponsored by the Madison-Mayodan Parks and Recreation Department and other organizations.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers with the guidelines for conducting criminal investigations.

II. POLICY

It is the policy of this law enforcement agency that Officers investigate reports of criminal activity to the fullest extent possible in order to resolve complaints and to present defendants for prosecution as directed by other elements of the criminal justice system.

All officers are assigned the responsibility of investigating criminal activity and are subject to the provisions of this directive.

III. DEFINITIONS

- **Preliminary Investigation**: Generally, the information collected by officers upon their initial response to an incident.
- **Follow Up Investigation**: The extension of a preliminary investigation to gain additional information.
- **Primary Investigator**: The officer assigned primary responsibility and accountability for an investigation.
- **Line Investigators**: Officers assigned to patrol teams who have been specially trained and prepared to conduct advanced preliminary and follow-up investigations as assigned by the Criminal Investigations Division Commander.
- **Sequential Lineup**: The process of allowing an eyewitness to view lineup photos or persons one at a time.
- **Simultaneous Lineup**: The process of allowing an eyewitness to view all lineup photos or persons at the same time.
- **Independent Administrator**: A person who conducts lineup procedures and who is not aware of the suspect’s identity or his or her position in the lineup.

IV. PROCEDURE

A. Personnel
Criminal investigations may be conducted by any sworn employee of the Department. Patrol officers will be assigned to conduct preliminary and follow up investigations of reported incidents, except in those instances where a plain-clothes officer would be more effective.

The Criminal Investigations Division serves under the supervision of the Chief of Police, Captain, and the Criminal Investigations Division Commander, and forms the criminal investigations component of the Department, conducting follow up investigations and, when practical, initiating preliminary investigations.

Personnel are assigned to the investigation of cases on the basis of expertise. Cases requiring specialized skills are assigned to officers having the necessary ability and training. This provision does not preclude officers from obtaining assistance from others, but is intended to use the best qualified person available.

B. Case Management

1. Case Status

Each investigation is assigned a status designation in order to assist with case management and control. Designations will be:

   a) Active pending further investigation.
   b) Inactive.
   c) Closed/Cleared, Victim Refused to Cooperate.
   d) Closed/Cleared By Arrest
   e) Closed/Leads Exhausted.
   f) Closed/Cleared, Prosecution Declined.

2. Cases are designated inactive when no further police action can be taken. Criteria for declaring an investigation inactive include:

   a) Lack of further leads or solvability factors.
   b) Insufficient degree or severity of offense.
   c) Unavailability of investigative resources.

C. Case Screening

A system of case screening based on solvability factors will be used to determine whether to continue an investigation. Command or supervisory personnel will evaluate information collected in the preliminary investigation and consider the collective value of the solvability factors as a determinant in this decision-making.

The decision to conduct a follow-up investigation, the extent to which the case will be investigated, and the resources to be used will be controlled by command or supervisory personnel. Criteria include:
1. Value of solvability factors.
2. Seriousness of the offense.
3. Officer/team workload.
4. Experience of the primary investigator.

D. Case Management System

The status of investigations will be controlled by use of the Department's computerized Records Management System, which is maintained by the appropriate command or supervisory personnel in accordance with departmental policies.

Case files are maintained by the primary investigator on all active cases. Case files should contain a copy of preliminary investigative reports, statements from principals, results of the examination of physical evidence, and other reports and records necessary to the investigation.

Case files will be made accessible to the assigned officer's supervisor. If a case is turned over to the Criminal Investigations Division after a follow-up investigation has been conducted by a patrol officer, the case file established by the patrol officer will be forwarded to the Criminal Investigations Division.

After the case is closed and the investigating officer no longer needs immediate access to the file, it may be placed in a designated storage location. The investigating officer should purge the file of any information that is duplicated in the Department's automated record system.

E. Contact With Victims

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 will be noted in supplemental reports.

F. Follow Up Contact

When a case is assigned for follow-up investigation to the patrol officer taking the original report, the officer should contact the victim within 10 calendar days of the initial investigation.

In extraordinary circumstances, this deadline may be extended to 14 calendar days. If the officer assigned to the case is unable to make contact within these guidelines, the CID Commander will reassign the case.

When cases are assigned to the Criminal Investigations Division for follow-up investigation, they will contact the victim within 72 hours following assignment of the case. Subsequent contacts with the victim will be at the officer's discretion, dependent upon the nature of the offense, investigative leads, and other variables unique to a particular investigation.

G. Change of Status
When the status of an investigation assigned to the Criminal Investigations Division is changed to either inactive or closed, the victim will be notified by means of the Victim Notification Letter. This letter will be attached to the completed Case Report.

H. Other Contacts

In addition to maintaining contact with the victim, the primary investigator will, if necessary, attempt to make a second contact with other principals, such as witnesses and complainants, during follow-up investigations.

I. Patrol Team Responsibility

Patrol officers will retain responsibility for preliminary and follow-up investigations of misdemeanor crimes initiated by their preliminary reports, unless otherwise directed by command or supervisory personnel.

Investigative responsibility for felony cases will be referred to the Criminal Investigations Division, unless the Shift Supervisor is able to determine that:

1. Immediate clearance is highly probable, and
2. The patrol team has sufficient manpower to dedicate the necessary personnel to the case, or
3. The circumstances have been discussed with the CID Commander and it is determined that no detrimental effect on the case is likely if patrol officers continue the investigation.

A Shift Supervisor’s decision for patrol officers to continue an investigation should also be based on these additional factors:

1. Nature of the offense.
2. Investigating officer’s schedule.
3. Ability of the officer involved.
4. Manpower requirements of the team.

The Shift Supervisor will notify the on-call detective to respond in any of the following incidents:

1. Deaths of a suspicious nature.
2. Assaults in which there is a probability of death.
3. Robberies of financial institutions.
4. Armed robberies.
5. Arson.
7. Rapes and other sexual assaults.
8. Any other serious criminal incident which the Patrol Supervisor believes would benefit from a detective's assistance.

Actual on-the-scene response by detectives will be determined and coordinated by the CID Commander, the Captain, or the Chief of Police, dependent upon the specific circumstances of each incident. If there is no detective on duty, the on-call detective will be contacted to respond.

J. Criminal Investigations Division Responsibility

The Criminal Investigations Division will be responsible for conducting follow-up investigations of cases referred to them, conducting preliminary investigations that may be initially assigned to them, and providing assistance in those investigations that are continued by patrol officers.

The Criminal Investigations Division Commander, may assign cases to Patrol Officers as deemed appropriate when completing case management. The Criminal Investigations Division Commander will provide the Patrol Team Commander with an on-call schedule for personnel within the Criminal Investigations Division.

Personnel from the Criminal Investigations Division will periodically attend patrol team briefings in order to share information and plan for joint operations.

K. Operations

1. Investigations

Officers will fairly and impartially investigate all cases assigned to them, and will conduct investigations in the most discreet manner possible, being mindful not to endanger the reputation of any person under investigation.

2. Information Development

Information may be developed from an unlimited number of sources, including witnesses, victims, neighbors, friends, other public agencies, other law enforcement agencies, and informants. All information will be gathered in full compliance with departmental directives.

3. Suspect Identification by Eyewitnesses / Photo or Live Lineup Procedures


§ 15A-284.50. Short title

This Article shall be called the ‘Eyewitness Identification Reform Act’.

§ 15A-284.51. Purpose

The purpose of this Article is to help solve crime, convict the guilty, and exonerate the innocent in criminal proceedings by improving procedures for
eyewitness identification of suspects.

*S 15A-284.52 Eyewitness identification reform.

(a) Definitions. – The following definitions apply in this Article:

(1) Eyewitness. – A person whose identification by sight of another person may be relevant in a criminal proceeding.

(2) Filler. – A person or a photograph of a person who is not suspected of an offense and is included in a lineup.

(3) Independent administrator. – A lineup administrator who is not participating in the investigation of the criminal offense and is unaware of which person in the lineup is the suspect.

(4) Live lineup. – A procedure in which a group of people is displayed to an eyewitness for the purpose of determining if the eyewitness is able to identify the perpetrator of a crime.

(5) Lineup. – A photo lineup or live lineup.

(6) Lineup administrator. – The person who conducts a lineup.

(7) Photo lineup. – A procedure in which an array of photographs is displayed to an eyewitness for the purpose of determining if the eyewitness is able to identify the perpetrator of a crime.

(b) Eyewitness Identification Procedures. – Lineups conducted by State, county, and other local law enforcement officers shall meet all of the following requirements:

(1) A lineup shall be conducted by an independent administrator or by an alternative method as provided by subsection (c) of this section.

(2) Individuals or photos shall be presented to witnesses sequentially, with each individual or photo presented to the witness separately, in a previously determined order, and removed after it is viewed before the next individual or photo is presented.

(3) Before a lineup, the eyewitness shall be instructed that:

   a. The perpetrator might or might not be presented in the lineup,

   b. The lineup administrator does not know the suspect’s identity,

   c. The eyewitness should not feel compelled to make an identification,

   d. It is as important to exclude innocent persons as it is to identify the perpetrator, and
e. The investigation will continue whether or not an identification is made.

The eyewitness shall acknowledge the receipt of the instructions in writing. If the eyewitness refuses to sign, the lineup administrator shall note the refusal of the eyewitness to sign the acknowledgment and shall also sign the acknowledgment.

(4) In a photo lineup, the photograph of the suspect shall be contemporary and, to the extent practicable, shall resemble the suspect's appearance at the time of the offense.

(5) The lineup shall be composed so that the fillers generally resemble the eyewitness's description of the perpetrator, while ensuring that the suspect does not unduly stand out from the fillers. In addition:

   a. All fillers selected shall resemble, as much as practicable, the eyewitness's description of the perpetrator in significant features, including any unique or unusual features.

   b. At least five fillers shall be included in a photo lineup, in addition to the suspect.

   c. At least five fillers shall be included in a live lineup, in addition to the suspect.

   d. If the eyewitness has previously viewed a photo lineup or live lineup in connection with the identification of another person suspected of involvement in the offense, the fillers in the lineup in which the current suspect participates shall be different from the fillers used in any prior lineups.

(6) If there are multiple eyewitnesses, the suspect shall be placed in a different position in the lineup or photo array for each eyewitness.

(7) In a lineup, no writings or information concerning any previous arrest, indictment, or conviction of the suspect shall be visible or made known to the eyewitness.

(8) In a live lineup, any identifying actions, such as speech, gestures, or other movements, shall be performed by all lineup participants.

(9) In a live lineup, all lineup participants must be out of view of the eyewitness prior to the lineup.

(10) Only one suspect shall be included in a lineup.

(11) Nothing shall be said to the eyewitness regarding the suspect's position in the lineup or regarding anything that might influence the eyewitness's identification.
(12) The lineup administrator shall seek and document a clear statement from the eyewitness, at the time of the identification and in the eyewitness's own words, as to the eyewitness's confidence level that the person identified in a given lineup is the perpetrator. The lineup administrator shall separate all witnesses in order to discourage witnesses from conferring with one another before or during the procedure. Each witness shall be given instructions regarding the identification procedures without other witnesses present.

(13) If the eyewitness identifies a person as the perpetrator, the eyewitness shall not be provided any information concerning the person before the lineup administrator obtains the eyewitness’s confidence statement about the selection. There shall not be anyone present during the live lineup or photographic identification procedures who knows the suspect’s identity, except the eyewitness and counsel as required by law.

(14) Unless it is not practical, a video record of live identification procedures shall be made. If a video record is not practical, the reasons shall be documented, and an audio record shall be made. If neither a video nor audio record are practical, the reasons shall be documented, and the lineup administrator shall make a written record of the lineup.

(15) Whether video, audio, or in writing, the record shall include all of the following information:

a. All identification and non-identification results obtained during the identification procedure, signed by the eyewitness, including the eyewitness’s confidence statement. If the eyewitness refuses to sign, the lineup administrator shall note the refusal of the eyewitness to sign the results and shall also sign the notation.

b. The names of all persons present at the lineup.

c. The date, time, and location of the lineup.

d. The words used by the eyewitness in any identification, including words that describe the eyewitness's certainty of identification.

e. Whether it was a photo lineup or live lineup and how many photos or individuals were presented in the lineup.

f. The sources of all photographs or persons used.

g. In a photo lineup, the photographs themselves.

h. In a live lineup, a photo or other visual recording of the lineup that includes all persons who participated in the lineup.
(c) Alternative Methods for Identification if Independent Administrator Is Not Used. – In lieu of using an independent administrator, a photo lineup eyewitness identification procedure may be conducted using an alternative method specified and approved by the North Carolina Criminal Justice Education and Training Standards Commission. Any alternative method shall be carefully structured to achieve neutral administration and to prevent the administrator from knowing which photograph is being presented to the eyewitness during the identification procedure. Alternative methods may include any of the following:

1. Automated computer programs that can automatically administer the photo lineup directly to an eyewitness and prevent the administrator from seeing which photo the witness is viewing until after the procedure is completed.
2. A procedure in which photographs are placed in folders, randomly numbered, and shuffled and then presented to an eyewitness such that the administrator cannot see or track which photograph is being presented to the witness until after the procedure is completed.
3. Any other procedures that achieve neutral administration.

(d) Remedies. – All of the following shall be available as consequences of compliance or noncompliance with the requirements of this section:

1. Failure to comply with any of the requirements of this section shall be considered by the court in adjudicating motions to suppress eyewitness identification.
2. Failure to comply with any of the requirements of this section shall be admissible in support of claims of eyewitness misidentification, as long as such evidence is otherwise admissible.
3. When evidence of compliance or noncompliance with the requirements of this section has been presented at trial, the jury shall be instructed that it may consider credible evidence of compliance or noncompliance to determine the reliability of eyewitness identifications.

"§ 15A-284.53. Training of Law Enforcement Officers

Pursuant to its authority under G.S. 17C-6 and G.S. 17E-4, the North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Sheriffs’ Education and Training Standards Commission, in consultation with the Department of Justice, shall create educational materials and conduct training programs on how to conduct lineups in compliance with this Article.”

L. Interviews and Interrogations

Interviews may be conducted with persons who have knowledge regarding a certain aspect of a criminal investigation. Interrogations may be used for suspects and those persons directly involved in a criminal investigation. Interviews and interrogations will be conducted in conformance with departmental policies.
Mayodan Police Department Policy Manual

Officers will not enter into plea negotiations with a suspect. Plea negotiations will be handled by the District Attorney’s Office and should not involve the officer. This provision does not prohibit officers from presenting facts pertaining to the case, including facts relating to surrounding circumstances, expression of attitude, the defendant’s conduct, etc. Officers will maintain a professional demeanor in all such matters.

1. Miranda Warnings

After a person has officially been taken into custody or detained by an officer, but before an interrogation takes place, officers must inform the arrested/detained person of their right to remain silent and have an attorney present during questioning.

A person is considered to be ‘in custody’ anytime they are placed in an environment in which they do not believe they are free to leave. Subject to this policy, officers shall complete an “Interview/Miranda Warning Form” when a person is interviewed.

2. Obtaining Statements

Whenever practical, officers shall obtain a written statement by anyone providing information regarding an incident requiring or currently under investigation. If requested, statements may be written by the officer for the person giving the statement.

Anytime a statement is provided by a person, who by definition is ‘in custody’, officers shall notify the person of their Miranda Warnings. After completing the “Interview/Miranda Warning Form”, officers can record the statement on a “Voluntary Statement Form.” In cases where a statement form is not available, officers may use a clean, unused piece of paper.

All statements and warnings given must be signed and dated by the person giving the statement and the officer taking the statement.

M. Interview Room Procedures

Designated interview/interrogation rooms are available that are intended specifically for questioning witnesses and suspects in ongoing investigations. Whenever practical, officers shall use a Detective’s Office or other private area to conduct interviews/interrogations of suspects. The following considerations shall be addressed by personnel while using these rooms:

1. Officer(s) shall take precautions in protecting his/her weapon from the suspect. To this end, the weapon shall remain under the direct control of the officer in the holster.

2. A proper search of anyone in custody should be conducted at the time of the arrest. In instances of a suspect interview prior to an arrest, the officer must conduct a pat down for safety. At no time shall the suspect be left alone in the interview room. In addition, the interview room shall be searched before and after
each interview in an effort to enhance officer safety.

3. Ideally there should be two officers in the interview room. However, one officer can conduct interviews but under no circumstances shall a suspect be left unattended. Depending on the circumstances and the officers discretion, more than two officers may be necessary.

4. If the circumstances arise and assistance is needed by the interviewer(s), a portable radio will be available to the officer to call for immediate help.

5. Interview/interrogation rooms shall be equipped with a desk and chairs. Prisoner anchors or restraints are optional, depending on the suspect’s demeanor.

6. Should the suspect need to use the restroom, ask for water or need to take a break, the interviewer should be cognizant of these events and have adequate assistance to fulfill these requests. Additional officers may be called in off the street to assist with these breaks.

N. Collection, Preservation, and Use of Physical Evidence

Physical evidence may be searched for, collected, and preserved in compliance with departmental policies when investigating any crime scene. (See 3.06 Evidence and Property) Investigators will be mindful of physical evidence collected from a scene and will ensure that evidence is used in the development of the case.

O. 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, to gather additional intelligence information, or to observe new crimes being committed. Surveillance operations will comply with all applicable departmental directives. (See 3.13 Decoy, Undercover, Surveillance Operations)

P. Resources

When conducting preliminary and follow-up investigations, officers should consider using resources available both within and outside the Department. Departmental resources include specialized detectives and Computerized Voice Stress Analysis (CVSA) testing. Outside resources include the State Bureau of Investigation, the State Medical Examiner’s Office, other city offices, and other law enforcement agencies.

Q. Preliminary Investigations

Officers conducting preliminary investigations will, as appropriate:

1. Observe all conditions, events, and remarks.
2. Locate and identify all witnesses.
3. Maintain the crime scene and protect evidence.
4. Interview the complainant and witnesses
5. Interrogate any suspects.
6. Arrange for the collection of evidence.
7. Effect an arrest, if possible.
8. Report the incident fully and accurately, including a supplementary report completed by each officer entering the crime scene.
9. Use a **Preliminary Investigation Checklist** as a guide in conducting initial investigations.

R. Follow Up Investigations

Officers conducting follow-up investigations will, when necessary:
1. Review and analyze all previous reports prepared for the preliminary investigation.
2. Conduct additional interviews and interrogations.
3. Review any pertinent departmental records.
4. Seek additional information from patrol officers, informants, etc.
5. Review laboratory results.
6. Arrange for the dissemination of information, as necessary.
7. Plan, organize, and conduct searches, as needed.
8. Identify and apprehend suspects.
9. Collect any physical evidence available.
10. Determine involvement of suspects in other crimes.
11. Check suspects' criminal histories.
13. Assist in prosecution.

S. Investigative Checklists

The Incident Report in most cases will serve as a sufficient checklist for investigations. More complex investigations may require additional effort and inquiry. To assist officers in these investigations, investigative checklists are provided for the following situations:

1. Death Investigations.
2. Sexual Crimes.

Mayodan Police Department (Section III: Standard Operating Guidelines)
3. Robbery.
4. Property Crimes.
6. Fraud.

T. Use of Computerized Voice Stress Analysis (CVSA) or Polygraph Examinations

Officers will comply with the following guidelines when using CVSA or polygraph examinations for criminal investigations:

1. Officers desiring that a polygraph examination be administered pursuant to a criminal investigation will schedule the polygraph examination with the State Bureau of Investigation and will comply with SBI requirements regarding the examination.

2. Officers desiring that a CVSA examination be administered pursuant to a criminal investigation will contact the Criminal Investigations Division Commander or a qualified CVSA examiner to make an appointment for the examination to be administered.

3. Only qualified examiners will administer polygraph or CVSA examinations.

4. CVSA examination results will be given orally to the investigating officer at the conclusion of the examination. A written report will be provided to the investigating officer no later than three days following the examination.

5. Polygraph examination results will be given in accordance with State Bureau of Investigation directives.

S. 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, will:

1. Identify the purpose of the task force.
2. Define authority, responsibilities, and written agreements.
3. Establish accountability.
4. Identify resources available.
5. Evaluate results and the continued necessity for the task force.

T. Field Interviews

Field interviews will be conducted for investigative purposes in accordance with the same departmental policies pertaining to patrol officers. (See Field Interviews)

U. Background Investigations
Background checks and investigations are often conducted on persons who are suspects in certain crimes or who have applied for legitimate purposes such as alcohol licenses or employment. The following guidelines apply to both types of background investigations:

1. The investigative report or application will indicate the purpose of the investigation.

2. Multiple sources of information will be used in order to provide a thorough investigation. These sources may include:
   a) Local criminal records.
   b) National Crime Information Center (NCIC) criminal history.
   c) Past and present employers and business associations.
   d) Credit history.
   e) Personal references.
   f) Established informants.

3. Information collected from such investigations will be used and managed as police information. The distribution of such information will be in accordance with all applicable laws, policies, and procedures.

4. Information collected as the result of a criminal investigation will become part of the case file and will be maintained for the required time. Information collected through background checks for employment purposes will be maintained as required by law.

V. Compliance with Constitutional Requirements

1. Interrogation

   Efforts by officers that could be construed as coercion, intimidation, threats, or attempts to obtain involuntary confessions or admissions are strictly prohibited. Officers will not engage in speculation of any form with regard to what will happen if the subject confesses.

   Excessive or prolonged interrogation without breaks for personal needs such as meals and use of toilet facilities are prohibited. Misstatements concerning the elements of the crime or punishment should be avoided. Methods of interrogation must reflect consideration for the subject’s age, mental capacity, physical health, and the level of impairment due to alcohol or drugs.

2. Arrest

   Officers are required by state law to take any person arrested without a warrant, for the purpose of setting bond, before a judicial official without unnecessary delay. Delays caused by furtherance of legitimate investigative procedures are not
considered unnecessary delays.

If being questioned, suspects will be advised of their rights, including their right to counsel and the right to protection against self-incrimination. If intervening events occur between the rights warning and a subsequent interrogation which could be perceived as diluting the earlier warning, such as a change in controlling officer or a change in location, suspects will again be advised of their rights prior to the interrogation.

A person’s right to consult with counsel and counsel’s request to consult with his/her client will be honored while a suspect is under the control of an officer of the Department. Officers will assist defendants in contacting an attorney to the extent required by law. During the course of an interrogation, if a suspect requests counsel the interrogation will cease until contact is made. Once the opportunity to contact an attorney has been afforded the suspect, the suspect must either initiate or voluntarily agree to participate in further questioning.

3. Release of Information

Information released to the news media and the public will be limited to that required by law and that which will assist the Department in its efforts to protect the community. Pretrial publicity that would tend to prejudice a defendant’s right to a fair trial should be avoided.

W. Cold Case Investigations

1. Definitions

The term cold case refers to a criminal investigation or case that is a violent or other major felony crime that remains unsolved and has been closed with leads exhausted. These cases include murder, attempted murder, missing adult where foul play is suspected, missing child, rape or other sexual related crimes where serious injury has occurred.

A cold case is considered unsolved until a suspect has been identified, charged, and tried for the crime. Cases may or may not have a suspect named at the time of the crime or developed during the original investigation. The reasons for reviewing a cold case may include any of the following reasons:

a) To properly review the case file and evidence to determine if new techniques exist that were not previously available that may help solve the case.

b) To permit a fresh perspective by either the same or a different investigator so that new approaches might be applied to the investigation.

c) To possibly reopen the case as an active investigation when circumstances indicate the possibility of new information.

d) Upon the request from the Chief of Police.

2. Evaluation Criteria
Cold cases will be classified in the department’s Records Management System using the minimum solvability factors,

a) Physical evidence collected that may be valuable for further testing.

b) Witnesses.

c) Suspects known or named.

d) Is the case considered a violent or other major felony by definition?: Murder, attempted murder, missing adult where foul play is suspected, missing child, rape or other sexual related crimes where serious injury has occurred.

e) Does the case meet Cold Case criteria? Y=Yes, N=No

3. Investigators may also choose to consider other solvability factors that may lead to the classification of meeting Cold Case criteria.

4. Cold Case Review

a) All cases meeting the Cold Case criteria will be reviewed at least every year. Nothing prevents a case from being opened any time information becomes available that may further the investigation.

b) The Investigation and Family Services Captain or designee will generate a report against all cases meeting the Cold Case criteria. The information will review the information and make a determination as to what course of action is appropriate. The available options are to:

1) Acknowledge a review of the information in supplemental form but take no action.

2) Reopen the case as an active investigation.

3) Considerations for reopening a Cold Case can include but are not limited to the following:

   (a) Forensic testing considerations of evidence.

   (b) Availability of witnesses.

   (c) Interview with victim or victim’s family to determine willingness to pursue further investigation.

   (d) Feedback from the District Attorney.

X. Identity Theft

It shall be the policy of the Department to thoroughly investigate, and to accurately document cases of reported identity theft. Educational information relating to identity theft will be available to the public in the police department lobby.
The purpose of this Policy is to establish procedures for the investigation and handling of reported identity theft.

1. **Definition**

Identity theft occurs when a person knowingly obtains, possesses, or uses identifying information of another person, living or dead, with the intent to fraudulently represent that the person is the other person for the purposes of making financial or credit transactions in the other person’s name, to obtain anything of value, benefit, or advantage, or for the purpose of avoiding legal consequences.

2. **Procedures**

   a) **Initial Report**

   1) The Department shall take a report from an individual who knows or reasonably suspects that his or her personal identifying information has been unlawfully used by another (Identity Theft).

   2) The law enforcement agency that has jurisdiction over the victim’s actual residence is the agency to which the victim is to report. For crimes stemming from the Identity Theft that may have been committed in a different jurisdiction, the complainant shall be referred to the law enforcement agency where the suspected crime was committed for an investigation of the facts.

   3) Personnel taking an Identity Theft report are required to provide the victim with the incident report number. Additionally, the victim shall be given instructions on how to obtain a copy of the original report.

   4) All identity theft reports shall be forwarded to the Criminal Investigations Division for follow-up.

3. **Follow-up Investigations**

Follow-up investigations of identity theft reports shall follow the policy and procedures identified in Policy 3.13 – Identity Theft.

   a) The assigned Investigator shall coordinate the investigation with other applicable agencies as determined through the follow-up investigation. This shall be documented via supplemental narrative report.

   b) If it is determined, upon review of an Investigations supervisor, that the crime was committed in a different jurisdiction, the case will be referred to that jurisdiction for additional follow-up.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers and Investigators with guidelines to document, collect, package, and preserve evidence.

II. POLICY

Documentation, collection, and preservation of evidence are crucial steps in criminal investigation and often provide the basis for effective identification, documentation, prosecution, and conviction of perpetrators. Crime scene personnel shall take all care reasonably possible to ensure the integrity of evidence collected at crime scenes by adherence to this policy and associated departmental training.

III. DEFINITIONS

**Crime Scene**: The location(s) at which a crime has been committed and/or where evidence of a crime is located or presumed to be located, and the site(s) of accidents and suspicious incidents where foul play could be involved.

**Testimonial Evidence**: Evidence collected through interviews or interrogation.

**Real or Physical Evidence**: Any material in either gross or trace quantities collected at a crime scene for examination and analysis.

IV. PROCEDURES

A. Crime Scene: Initial Response

The first responding officer or senior officer at the crime scene shall ensure that the following tasks are performed as appropriate and in the order deemed necessary:

1. Make a careful and limited walk-through of the crime scene first to secure the location from the threat of perpetrators. Thoroughly assess the crime scene for hazards, to include blood-borne pathogens, explosives, firearms, gasoline, natural gas, chemicals, and other toxic substances. Relay information on the nature of any dangerous situations to communications.

2. Take all measures reasonably possible not to disturb potential sources of evidence, such as footprints or tire marks, or cross contaminate potential sources of DNA evidence. Identify paths of entry and retrace that path when exiting.

3. Be aware of persons and vehicles in the vicinity. Record vehicle license plate numbers in close proximity to the crime scene and, where possible and
appropriate, videotape the same. Assess the overall extent and severity of the incident; note the location of evidence in plain view and the location of weapons particular. Assist the injured, call for medical assistance if required, and request other appropriate police backup such as a supervisor, criminal investigator, or evidence technician.

4. Where human bodies are encountered, make a direct approach to the victim, assess their condition, request medical assistance, and provide emergency first aid if feasible. Where dead bodies are encountered, do not move the victim, but do request assistance from the medical examiner and criminal investigator. Retrace the path of entrance when exiting the crime scene, and document the original position of the victim(s). (See this agency’s policy on death investigation for more detail.)

a) Attempt to secure a ‘dying declaration’ if there is a chance a victim may die.

b) Create a log to record the identities of any persons, including paramedics or other emergency service responders, who access the scene before or after the first officer’s arrival. All persons irrespective of rank who wish to enter the crime scene are required to secure approval of the officer in charge and log in.

c) Direct emergency service providers into the scene, pointing out potential sources of evidence. Remind medical technicians to preserve items of clothing. Record their activities and the victim’s condition and position when found. Instruct medical personnel not to unnecessarily alter the scene or clean it up.

d) If a victim or suspect is transported to a medical facility, send a law enforcement officer for security, to document any comments, and to preserve clothing and related evidence.

5. Secure and separate suspects and witnesses. Take steps to prevent the movement of family, friends, or bystanders into the crime scene.

6. Secure a perimeter for the crime scene with identified points of entry and exit. The perimeter should be expansive enough to reasonably ensure that evidence of the crime will be contained and protected.

a) Protect the crime scene using physical barriers or existing boundaries as appropriate, and ensure that only persons with a need and right to enter the scene are permitted inside.

b) Take appropriate steps to protect the crime scene from degradation due to weather conditions, such as rain, snow, or wind, or the intrusion of other devices, such as vehicles.

c) Keep persons other than those directly involved in the investigation and other essential first responders outside the crime scene perimeter. Keep any pets or other animals outside the perimeter as well.
7. If victims, firearms, or other items at the scene must be touched for safety or related reasons, put on latex or other nonporous gloves. Ensure that persons do not smoke, chew tobacco, use the telephone or bathroom at the scene, eat, drink, move any items, adjust windows, doors, or thermostats, reposition anything, or discard items other than those related to medical service providers.

8. The scope of crime scene processing is dictated by the seriousness of the crime and complexity of the crime scene. For crimes that do not require the assistance of a crime scene technician or criminal investigator, or where exigent circumstances demand that immediate steps be taken to preserve evidence, first responders shall be prepared to do the following:

   a) Locate and preserve items of evidence.

   b) Photograph, videotape, and/or sketch the crime scene to include measurements where warranted. Use color photographs where warranted. Diagram should be accurately drawn but not to scale.

   c) Collect and preserve evidence in plain view.

   d) Transport and submit evidence for storage or for laboratory examination.

9. Brief arriving supervisors or investigators if summoned to the crime scene, review actions taken thus far by all first responders, evidence located, witnesses identified, victims or perpetrators located or identified, and provide the supervisor with any other pertinent information.

10. Prepare the initial offense report unless otherwise directed by a supervisor or officer in charge (OIC). Record, at a minimum, information on the time of arrival, appearance and conditions upon arrival, any items at the scene that are known to have been moved, modified, or touched; personal information on witnesses, victims, suspects, and any statements or comments made; and actions taken by yourself or others at the scene.

B. Crime Scene Assessment

The criminal investigator or on-scene supervisor in charge shall develop an investigative plan and specific responsibilities for processing the crime scene. First responders shall be aware of what to look for while initially assessing the crime scene before crime scene investigators are on the scene.

1. Evaluate measures and steps that have been taken, to include safety procedures, perimeter security and access control, the adequacy of investigative resources, whether witnesses and suspects have been identified, and the degree to which preliminary documentation of the crime scene has been made.

2. Conduct a crime scene walk-through in cooperation with the first responder and individuals responsible for processing the crime scene to identify any threats to crime scene integrity and conduct an initial identification of evidence.

3. Determine the need for a search warrant prior to collection of evidence.
4. Assess the overall crime scene prior to evidence collection in order to develop a plan for working within the crime scene without unnecessarily destroying or contaminating evidence.

5. Identify evidence collection and documentation team members to include specialists such as Odontologists, bomb technicians, arson investigators, entomologists, fingerprint technicians, or others.

6. Identify protective equipment and clothing that are required to safely process the crime scene.

7. Identify a separate area if necessary for equipment and personnel staging and for gathering and sanitizing tools, equipment, and personal protective gear between evidence collections.

8. Assign one officer primary responsibility for recording and collecting items of evidence. This will increase efficiency, establish the chain of custody, help prevent loss, and reduce the number of officers who must appear in court.

9. Determine the evidence search method to be used and the point(s) at which the search will begin, and establish a working route around the scene to minimize disruption and contamination.

10. Develop, in cooperation with crime scene technician(s) or other trained personnel, a collection plan for identified items of evidence detailing the process and the order of collection.
   a) Focus initially on easily accessible areas in open view and work outward.
   b) Select a systematic search pattern.
   c) Select the best progression of processing and collection so as not to compromise subsequent processing and collection efforts.

C. Evidence Collection

1. The location and condition of all items of evidence shall be documented in an evidence log and by means of photographs, sketches, and, where deemed necessary and appropriate, videotape.

2. Sketches shall be drawn to accurately depict the location and placement of evidence. Sketches shall be made in addition to any photographs or videotapes made of the crime scenes as directed by the lead investigator. Sketches shall include the following information:
   - General layout.
   - Offense or case number.
   - Title or description of area.
   - Date.
➢ Sketcher’s name.
➢ Scale of measurement (To Scale or Not to Scale).
➢ Location of items or other significant features.
➢ Compass direction.
➢ Names of streets or landmarks or both.
➢ Person who prepared the final diagram.
➢ Person(s) who took the measurements.

3. Photographs and/or videotape of the overall crime scene shall be considered. Where indicated, individual photographs shall be taken of items in the position found prior to collection.

4. Photographs shall also be taken of tool marks, footprints, tire marks, blood spatter, serial numbers, latent fingerprints prior to being lifted, and any other related items of potential evidentiary value where possible. Two photographs of sufficient quality to serve as permanent record shall be taken in series, the first in its true or natural state and the second to scale. A ruler or other appropriate measuring instrument shall be used for scaled photographs.

5. All personnel handling evidence of any kind shall wear latex or other nonporous gloves. Individual items of evidence shall be examined carefully for trace evidence prior to being moved or packaged.

6. Some items of evidence may require special handling and packaging and should be examined for trace evidence prior to packaging. When in doubt concerning appropriate collection or packaging procedures, officers shall request assistance from a crime scene technician, criminal investigator, or supervisor.

7. Evidence containers shall be marked when collected. The evidence technician or collecting officer shall fully describe each item, package each item of evidence separately and place his or her initials, date of discovery, and case or exhibit number on the sealed container and the tape used for closure. Staples should never be used for sealing evidence containers. Large items shall be packaged with butcher paper or other suitable packaging. Such items shall be marked by scribe or other instrument but with care not to damage the item’s evidentiary value as advised by the American Society of Crime Laboratory Directors (ASCLAD).

8. The collection of firearms and related evidence shall be conducted in a manner that will ensure the safety of all personnel involved and the integrity of evidentiary items.

a) If a firearm must be moved to protect it as evidence or because it cannot be safeguarded, its location and position shall be accurately marked and photographed where found if possible. The condition of the weapon, the number of cartridges contained, and the position of the safety shall be
b) If moving the weapon, lift it by grasping gently on the serrated surface of the handle. Never insert a pencil or other object into the barrel to lift or move, as it may destroy evidence inside the barrel. The weapon shall be placed in an appropriate container.

c) Generally, firearms shall be unloaded before being transported for evidence. If it must be transported loaded because the weapon is damaged, for instance, it shall be conspicuously tagged to indicate this fact and sealed in a rigid container similarly marked. When unloading a revolver the position of the cylinder shall be recorded, as should the markings on cartridges and conditions of primers.

d) Fired bullets and cartridge cases shall be protected and photographed, and their relative positions from each other and from fixed locations sketched and photographed before being bagged.

e) Bullets shall not be pried from objects or surfaces. Portions of the objects in which they are embedded shall be removed with the bullet intact.

9. Evidence suitable for DNA analysis can be found at many crime scenes and is a powerful investigative tool for linking suspects to crimes, eliminating suspects, and identifying victims. All officers shall be aware of common sources of DNA evidence, ways to protect against contamination of samples, and basic collection and packaging guidelines.

a) Wear a mask to avoid contamination through talking, sneezing, and coughing over evidence.

b) Blood and semen are the two most common sources of DNA evidence. However, other body tissues and fluids can be used for analysis even in microscopic quantities.

c) DNA is particularly sensitive and subject to contamination. Therefore, first responders in particular must be familiar with situations that will degrade, destroy, or contaminate DNA evidence and shall observe the following precautions.

d) Change gloves between collections of samples in different areas.

e) Use disposable instruments or clean them thoroughly with a 10 percent bleach before and after handling each sample.

f) Avoid touching the area where you believe DNA may exist.

g) Air-dry evidence thoroughly before packaging. If it cannot be air-dried, refrigerate and submit to the laboratory in not more than 7 days.

h) Put evidence into new paper bags or envelopes, not into plastic bags.

i) Sterile swabs shall be used to collect liquid blood. Vials containing blood
samples should be refrigerated as soon as possible but for no longer than seven days.

j) Bloodstains shall be photographed first, packaged or wrapped carefully in paper so that the bloodstain is not dislodged or disturbed. Smaller objects can be placed in envelopes or cardboard boxes.

k) Wet bloodstained materials must be dried prior to submission to a laboratory. Officers shall not use heaters, free-standing room fans, or intense light to facilitate drying as this may destroy the evidentiary value of the samples. Low-humidity cold environments that are well ventilated are suitable for this purpose.

l) If exigent circumstances dictate immediate action to prevent destruction of evidence, wet bloodstained materials may be rolled or folded in paper or placed in a brown paper bag or box, sealed, and labeled. Folding garments through stains shall be avoided.

m) Bloodstained articles and blood samples shall be transported as soon as possible and should never be stored in patrol vehicles or otherwise exposed to heat.

n) Use a cotton Q-tip or swab lightly moistened with saline solution to collect dried bloodstains on fixed objects too large to transport or on porous surfaces. If saline is not available tap water may be used so long as a control standard of the water is collected for comparison.

o) As in the case of blood samples, clothing and bedding that may retain semen evidence shall be air-dried if wet and packaged separately in paper containers, and labeled.

10. Microscopic and trace evidence almost always require standards of comparison in order to be of value. Examples include the following:

a) Pulled pubic hair from a suspect to compare with hair evidence combed from a victim.

b) Paint chipped from a vehicle near the area of a car from which it is suspected the paint was transferred to another vehicle.

c) Vegetation, such as weeds, near the scene of a homicide to compare with the seedpods found in the cuffs of a suspect.

11. Maintain evidence at the scene securely and in a manner that will prevent degradation and preserve the chain of custody.

D. Releasing the Crime Scene

Prior to releasing the scene the lead investigator shall ensure that the following steps are taken to the degree and in the order deemed appropriate:

1. Conduct a debriefing of members of the crime scene team to share information
and identify priorities for follow-up investigation. Review evidence collected, discuss preliminary findings, and identify potential forensic tests and any actions needed to complete the crime scene investigation.

2. Complete overall measurements and photographs of the crime scene.

3. Conduct a final walkthrough of the crime scene to determine if any items of evidentiary value have been overlooked and to double check for equipment or materials that may have been left behind.

4. Determine when the crime scene can be released.

E. Transfer of Physical Evidence

1. Whenever possession of physical evidence is transferred from one person to another, a record will be made of the transfer.

2. The transfer will be recorded on the back of the evidence receipt, to include name and function of the receiving party, name and function of the releasing party, and the date and items involved.

3. Physical evidence submitted to an outside agency for examination will be handled in the same documented manner as above, in addition to using the outside agency’s report form.

4. An appropriate transmittal document shall be submitted to the laboratory and shall detail the nature of the request and a synopsis of the incident. The transmittal shall also contain the chain of custody information, to include the name of the member last having custody of the items, date and time the items were submitted for examination, date and time the items were received by the laboratory, and the name and signature of the person receiving the items at the laboratory.

5. A completed evidence receipt provided by this agency must accompany property and evidence submitted to the property section of this department.

6. Evidence and property retrieved from the property section will follow procedures detailed in this agency’s policy on evidence control.

F. General Evidence

In general, these packaging procedures should be adhered to for the following types of evidence:

1. Liquids shall be placed in leak proof containers.

2. Fragile items shall be secured in sturdy containers such as boxes.

3. Needles and other sharps and syringes shall be packaged in vials or specially designated sharps containers.

4. All bodily fluids, tissue, human remains, or items tainted with such or suspected
substances shall be marked as bio-hazards.

5. Clothing and other body fluid stained items shall be air-dried according to procedures provided herein before being packaged separately using plain brown wrapping paper designated for this purpose.

6. Hair and fibers, paint chips or scrapings, small pieces of glass, and similar small items shall be removed with rubber-tipped forceps placed in a small piece of folded paper and sealed in a glassine envelope, bag, or pill box. If rubber-tipped forceps are not available, the device used to seize the item should be submitted with the evidence.

7. Evidence from fire scenes shall be packaged in unused one-gallon metal cans that do not have inside coatings.

8. Questioned documents shall not be folded, otherwise handled, or marked on and shall be packaged in a manila envelope of comparable size.

9. Nonporous gloves shall be used when collecting and packaging controlled substances. Individual substances shall be packaged separately to prevent cross contamination and may be heat-sealed in plastic bags. Marijuana and other plant evidence shall be packaged in paper bags or boxes to avoid decomposition. All items shall be counted or weighed as appropriate prior to packaging and this information entered on the chain of custody control log.

10. When collecting fibers, hair and other specified materials, known standards shall be collected at the same time and sealed in separate containers for laboratory comparison.

11. Electronic evidence such as computers, files, disks, printers and similar devices shall be collected by specially trained personnel.

12. Currency and other negotiable instruments are subject to special accounting and verification procedures. Supervisory and command officers shall oversee the collection, counting and verification, security, transportation, and storage of large sums of money or negotiable instruments seized as evidence.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers of this agency with guidelines for identifying, collecting, preserving, and securing evidence.

II. POLICY

It is the policy of this law enforcement agency that Officers will maintain strict measures for the identification, collection, preservation, security, and disposition of evidence and property in order to support investigations, help guarantee successful prosecution at criminal and civil trials, facilitate the timely return of property to its rightful owners and establish the Department's reputation as an honest, reputable agency worthy of the public's confidence and trust.

III. PROCEDURE

A. Identification and Collection of Evidence

Investigating personnel assigned to the scene of a crime are responsible for the protection, documentation, and preservation of the scene and any physical evidence that may be located at the scene. The first responding officers on the scene will usually accomplish these tasks, unless otherwise directed by a Criminal Investigations Division Commander (CID).

The first responding officers will continue the performance of these tasks until appropriately relieved by commanding or other authorized investigating personnel. Officers will make every effort to appropriately preserve the condition of evidence during the process of collection. These efforts will be directed toward preventing the introduction of foreign materials or contaminates into the evidence and ensuring a sample that is as complete as is practical and possible.

B. CID Commander Responsibilities

In order to ensure the proper preservation and collection of evidence of major crimes, the investigating officer will request the services of the CID Commander. The officer will make this request through the Communications Center.

Once on the scene, the CID Commander is in charge of the collection of evidence to include the recovery of latent fingerprints, photography, sketch of the scene, and overall collection and preservation of evidence in accordance with Departmental procedures. Investigating personnel should assist the agent as directed.

The CID Commander will provide written reports on all cases to which he/she is called. The CID Commander has supervisory responsibility over any assisting officers.
Concerns of investigating personnel should be directed to the CID Commander. Officers should direct concerns not resolved by the CID Commander to the Captain.

Investigating officers should note to the CID Commander, when applicable, the need for collection of substances from a known source for comparison to substances collected as evidence. This need will apply primarily when investigating cases that involve the study of hairs, fibers, fabrics, paint, glass, wood, soil, and tool-marks. When collecting known samples, it is important to note the location from which they were collected.

All evidence obtained in the Town through crime scene processing and/or other investigative techniques will be submitted in accordance with this policy and the North Carolina State Bureau of Investigations Evidence Field Guide. The NC SBI will be responsible for processing all major crime scenes in the Town.

C. Documentation and Reporting

When called to the scene of a crime, investigating personnel will complete the standard police report to accurately record the events at the scene. Complete reports will include, at a minimum:

1. Case number.
2. Date and time of arrival at the scene.
3. Location of the crime.
4. Name of the victims, if known.
5. Name of the suspects, if known.
6. Name of witnesses, if known.
7. Any measurements taken.
8. Note if any photographs taken.
9. Evidence report(s).
10. Arrest report(s).
11. Date and time CID Commander was called.

When investigating personnel are called to the scene of a crime, photographs and/or physical evidence should be collected. In the event that photographs and/or physical evidence are not collected, the assigned investigating personnel will include in the initial crime scene report or in a separate report the reason why this action was not taken.

Personnel who collect evidence or property for any purpose will accurately and legibly complete a Receipt for Evidence and/or Property Form. Inaccurate or incomplete reports will be returned to the appropriate supervisor. A Receipt for Evidence and/or Property report will be completed for all evidence/property, even if it is released to the
D. Laboratory Analysis

The responsibility for requesting laboratory analysis of any evidence lies with the originally assigned investigating officer. If a CID Commander is called, the CID Commander will assume the chain of custody and request laboratory analysis.

Drug cases may be processed by the investigating officer. Evidence to be sent to the State Bureau of Investigation (SBI) Laboratory must be packaged according to their specifications. Packaging instructions are found on the front of the *SBI Request for Examination of Physical Evidence Form*.

Evidence packaged for this purpose should be taken to the SBI Laboratory, along with the *SBI Request for Examination of Physical Evidence Form*, by either the investigating officer or the Evidence Custodian. The SBI Laboratory will return one copy of this form to the deliverer, who must return it to the Evidence Custodian.

A *Receipt for Evidence and/or Property Form* must also be completed for the Departmental chain of custody record. However, the SBI will sign only their form for receipt of the evidence. The Evidence Custodian will arrange for the transport of evidence to the SBI Laboratory if it was not taken directly there, and will accept receipt of the evidence upon its return. The Evidence Custodian will then return copies of the written *SBI Laboratory Analysis Report* to the appropriate personnel.

E. Biological Materials

Because blood and other biological materials degrade rapidly, such material may be submitted directly to the CID Detective who is assigned the case for transfer to the SBI Laboratory. In such cases, the *Receipt for Evidence and/or Property Form* must still be completed with the proper chain of custody indicated and sent to the Evidence Custodian.

If not released to a CID Detective, this type of evidence must be packaged to SBI specifications and refrigerated (or frozen, if tissue or bone) as soon as possible in the secure storage refrigerator. Evidence of this type that does not meet the SBI criteria for submission must be submitted to the Evidence Custodian for storage until the criteria is met through additional investigation of the case.

F. Sketches

The CID Detective assigned to a case will often make sketches in conjunction with the collection and preservation of evidence. Whether made by a CID Detective or other investigating officer, these sketches must be completed to scale and should include, at a minimum:

1. Dimensions of the area being sketched.
2. Relation of the crime scene to other buildings, geographical features, and roads.
3. Exact address, including apartment number, floor, area, etc.
4. Location of significant features of the scene, including victim, etc.
5. Date and time of preparation.
6. Name of person preparing the sketch.
7. Direction of North on the sketch.
8. Location of items of physical evidence recovered.

G. Photographs

The CID Detective assigned to a case will make any necessary photographs of the crime scene and/or victim. Individual pieces of evidence that are authorized by a representative of the District Attorney’s office to be released to the legal owner after having been photographed may be released by the CID Commander, investigating officer, or Evidence Custodian. Video-graphs may also be made of the scene and/or other evidence by investigating personnel. The case number, appropriate time, date, and location will be recorded on the photograph or in the report.

H. Types of Evidence

1. Stolen Vehicles

Processing recovered stolen vehicles will follow the same general guidelines as all other evidence, including calling a CID Detective, once a determination is made that there may be items of evidentiary value. Once processed, investigating officers may release the vehicle to the legal owner. If the owner is unable to claim the vehicle within a reasonable amount of time, the vehicle may be impounded for safekeeping.

In either case, the investigating officer must complete the appropriate property reports. Investigating officers must ensure that the reporting agency is promptly notified, and indicate this notification in the original offense report. This notification will include the condition of the vehicle and the process the owner must follow to reclaim the vehicle. It is then the responsibility of the reporting agency to notify the legal owner.

2. Forgery Cases

Evidence obtained in forgery cases will 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. Three copies of the allegedly forged item must be made and attached to the original report along with affidavits and other supporting documentation.

3. Perishable Items

Small quantities of perishable items or other items that must be refrigerated should be handled the same as all other evidence and placed in the secure storage refrigerator. Large quantities of perishable items or other items that must be refrigerated should be photographed and returned to the owner for safekeeping.
until the investigating officer can discuss the case with the District Attorney’s office. The District Attorney’s office will make a determination if any other action should be taken in reference to large quantities of perishable and/or refrigerated evidence. In all cases an evidence report will be completed and the proper chain of custody will be shown on the report.

4. Clothing

Clothing that is wet or bloody cannot be packaged until it has been air-dried. After drying, clothing should be packaged in paper, not plastic. Other items possibly supporting latent fingerprints must be protected from movement or any other action that may destroy or contaminate the fingerprints and will be collected for analysis by CID Commander.

5. Drugs

All narcotics and other dangerous drugs will be weighed before packaging and submission to the Evidence Custodian, using the scales provided by the Department. Loose pills or capsules will be accurately counted. Pills that are contained in pre-sealed containers need not be counted. The weight and/or count will be included on the Receipt for Evidence/Property Form.

6. Computer Equipment

When computer equipment of any type, whether operating or not, is the subject of a search and/or seizure, the investigating officer should immediately notify the CID Commander before taking action. The Criminal Investigations Division Commander will contact the State Bureau of Investigation (SBI) for expert assistance. Specially-trained SBI investigative staff will extract data files to minimize any loss of data due to improper startup or shutdown procedures.

7. Legal Property

Any time legal property is confiscated from the owner for any reason, the Receipt for Evidence and/or Property Form report should so indicate in the chain of custody. The owner of the property should be given a copy of the evidence report as a receipt. This copy may be either a photocopy or the last copy of the report.

8. Personal Property

Items taken pursuant to an arrest may be held by investigating officer or a supervisor, or placed in secure storage for safekeeping until picked up by the owner. If such items are identified as evidence, a court disposition must be obtained before they may be released to the owner.

I. Packaging Procedures

Supplies of evidence bags, tape, and tags are maintained in available storage areas. Items that are too large to be packaged properly should be turned in to the Evidence Custodian as is. Before packaging any evidence, investigating officers should make a determination of safety.
All hypodermic needles will be secured so that they cannot injure anyone and packaged in the tubes provided for that purpose. All firearms will be unloaded. Semi-automatic firearms should be placed in a ‘locked opened’ or ‘opened chamber’ condition, if possible, and ammunition clips should be taken out of the weapon.

Investigating officers should take as many precautions as possible before packaging other items that could be hazardous. All evidence, with the exception of physiological and biological materials, living vegetable materials, or other items that may be contaminated or damaged by plastic, will be placed into a plastic evidence bag.

The bag will be sealed with the provided evidence tape and tagged with a completed evidence tag clearly showing the case number and the type of case. Other information requested on the evidence tag is not necessary for evidence custody, but may be helpful later.

Items pertaining to the same case may be placed in the same plastic evidence bag, except drugs, firearms, precious metals, and money. Items that may be contaminated in any way should be packaged separately. The Evidence Custodian should be able to see all items in the evidence bag. Once properly packaged, the evidence may be placed in the custody of the Evidence Custodian.

J. Preservation and Security of Evidence

Property that has been seized as evidence in any criminal case must be held until appropriate court disposition from the District Attorney’s office or a judge is obtained by investigating officer. Property must be held even in the following circumstances:

1. After further investigation the property is determined not to be evidence.
2. The case is declared inactivated due to the inability to develop any further evidence or information.
3. The case is dismissed.
4. The case is exceptionally cleared.

If, however, further investigation determines that no crime actually occurred, the property may then be released to the owner without court authority, after appropriate supplemental information is filed.

K. Entering Evidence

Evidence collected must be placed into the appropriate evidence holding facility. Once the evidence has been properly packaged, the investigating officer will:

1. Upon receiving evidence, the investigating officer shall complete a Receipt for Evidence/Property Form to be given to the person that the property was taken from.
2. Once the evidence has been processed, the investigating officer will enter the information into the Department’s Records Management System. The investigation officer shall print two (2) copies of the Evidence Voucher.
3. After packaging the evidence in accordance with this policy and the SBI guidelines, the investigating officer will place in the evidence in an evidence locker located in the Patrol Office.

4. The securing of evidence in the evidence lockers requires a witness signature.

5. Place a copy of the Evidence Voucher in the Evidence Custodian's mailbox. The additional copy shall be maintained by the investigating officer and placed in the case file.

Evidence that is too large for the evidence lockers will be placed in a temporary secure storage area maintained by the CID Commander for use as needed to store large and/or numerous pieces of evidence. Access to this area will be strictly maintained and the area will not be left unsecured at any time for any reason.

Evidence collected during each shift must be entered into the evidence holding facility by the end of the shift.

L. Transfer of Custody

Items placed into evidence lockers are considered to be in the custody of the Evidence Custodian. Once evidence is received into the evidence holding facility, the Evidence Custodian will log it into the computerized Evidence Ledger and assign it a document number and a space within the holding facility.

M. Removing Evidence

Officers who need to take evidence out of the evidence holding facility for court purposes must notify the Evidence Custodian and sign for it in the chain of custody portion of the evidence report. The same personnel must return the evidence before going off duty on the same day, unless the Court holds the evidence.

If the evidence is held by the Court, investigating personnel must sign in the “Released To” space and an official of the Court must sign in the “Received By” space in the chain of custody portion of the evidence report. Investigating personnel will return the evidence report to the Evidence Custodian. Only the Evidence Custodian and the Assistant Evidence Custodian have access to the evidence holding facility.

N. Disposition of Evidence

The Evidence Custodian will request the disposition of all evidence held by the Department on a semi-annual basis. The Evidence Custodian will provide officers with a computer printout of cases assigned to them that involve evidence. If a case has been handled in court and there is no longer any legal reason to maintain the evidence, the officer will obtain a court disposition and turn it in to the Evidence Custodian.

If a case is still pending in court or has been otherwise delayed, the officer will make a notation beside the case number on the computer printout and turn it in to the Evidence Custodian.

Officers are responsible for obtaining a disposition of all evidence from the Court for
their assigned cases within 90 days after the final court case disposition has been rendered. If the disposition is to return the property to the owner or to another agency, officers may do so at the time the disposition is received.

If the disposition is to destroy the evidence or follow additional instructions, officers must follow the instructions of the disposition. Evidence to be destroyed will be handled by the Evidence Custodian unless otherwise specified by the Court. In all cases, a copy of the court-ordered disposition must be returned to the Evidence Custodian.

O. Found and Other Property

Anytime an officer receives or locates property, an Incident Report must be completed. Found property will be handled generally the same as evidence. The Receipt for Evidence and/or Property Form will be completed using the same guidelines. If, however, the property owner is located before the assigned officer goes off duty, the property may be released to the owner at that time. Otherwise, the property will be handled the same as evidence in transferring custody to the Evidence Custodian. Unlike evidence, found property may be returned to the owner at any time.

Investigating personnel will take bicycles and motorbikes to the secure bicycle storage area. Other found property items that are too large for the evidence holding facility will be placed in the same area.

Investigating personnel should make every attempt to locate the owner of all found property. In accordance with North Carolina General Statute 15-11 through 15-17, if the owner of found property cannot be located after 180 days, the finder has the right to claim the property (with the exception of weapons and drugs).

For this reason, the officer will determine if the finder wishes to keep the property in the event that the owner cannot be located, and will include that information in the original investigative report and on the evidence report. If no claim is made the property will be auctioned, with the exception of:

1. Weapons and drugs, which are destroyed.
2. Bicycles, which are donated to an appropriate charitable organization (For bicycles, the waiting time is reduced to a 30-day period).
3. Money, which will be introduced into the Town’s General Fund.

P. Safekeeping Items

The Department’s evidence holding facilities cannot be used to keep items for an indefinite period of time. Property maintained for safekeeping will be held for 24 hours, after which it will be handled the same as found property.

Q. Weapons

Weapons that are obtained in any way for any reason by the Department will not be released to anyone except the owner with the proper proof of ownership, unless
required by court order. Proper proof of ownership or proof of legal authority must also accompany weapons that are surrendered to the Department.

R. Reporting

As with confiscated property, the owner of found property should be given a copy of the Receipt for Evidence and/or Property Form. Officers will make a notation on the evidence report and document in the original report if the owner wishes the property to be returned. If the owner does not want the property to be returned, it will be auctioned or destroyed.

S. Destruction Requests

Requests from citizens to destroy old ammunition, fireworks, weapons, etc. will be honored. The Receipt for Evidence and/or Property Form will be completed showing the proper chain of custody. The ‘other’ box should be checked and the request for destruction noted in the evidence report. When the request is for a weapon to be destroyed, the weapon owner must complete a Weapon Release Destruction Form.

T. Evidence and Property Records

All evidence and property received into the evidence room is entered into the computerized records management system. This system stores information such as time and date received, time and date released, property type, and amount of property on hand. Chain of custody from the time the evidence and property was stored until its destruction or other final disposition is logged on the Receipt for Evidence and/or Property Form.

U. Evidence and Property Inspections

The Captain will conduct semi-annual inspections of the evidence holding facility. These inspections may be announced or unannounced, and will ensure that evidence is being recorded and stored properly. In addition, unannounced inspections of the evidence holding facility will be conducted as needed by the Captain as designated by the Chief of Police.

The Chief of Police may, at his/her discretion, direct focused inspections of the evidence holding facility at any time throughout the year. These 'spot checks' may be conducted in conjunction with any other inspection or may be conducted separately.

A complete inventory of the evidence holding facility will be completed any time a new Evidence Custodian is appointed by the Chief of Police. This inventory will be conducted jointly by the newly-designated Evidence Custodian and a designee of the Chief of Police to ensure the accuracy of property records and continuity of custody.

At the conclusion of any inspection, inventory, or audit of the evidence holding facility, the Captain will forward the results to the Chief of Police.

V. Training

The training of sworn employees in evidence handling procedures is covered in Basic
Law Enforcement Training. Specific training in Departmental procedures will be provided during the Field Training Program.

The Criminal Investigations Division Commander, with assistance from the Training Officer, will coordinate crime scene refresher training for Departmental personnel who engage in the investigative process.

W. Inter-agency Cooperation

In order to maintain appropriate and efficient cooperation between agencies, the Criminal Investigations Division Commander will hold coordinating discussions periodically with representatives of the District Attorney's Office, and the court system.

X. DNA Evidence Collection

For maximum success, law enforcement agencies must ensure that agency personnel have a good understanding of where DNA can be found, how to avoid contamination and preserve fragile DNA evidence.

Y. SBI Responsibilities

In order to ensure the proper preservation and collection of evidence of major crimes including those crimes where DNA evidence is to be collected, the investigating officer will request the services of the State Bureau of Investigations. The officer will make this request through the Communications Center.

Once on the scene, the SBI agent is in charge of the collection of evidence. Investigating personnel should assist the agent as directed. The SBI agent will provide written reports on all cases to which the SBI is called. The SBI Field Supervisor will have supervisory responsibility for the SBI agent. Concerns of investigating personnel should be directed to the SBI agent. Officers should direct concerns not resolved by the SBI agent to the CID Commander for coordination with the SBI Field Supervisor.

Investigating officers should note to the SBI agent, when applicable, the need for collections of substances from a know source for comparison to substances collected as evidence. This need will apply primarily when investigating cases that involve the study of hairs, fibers, fabrics, paint, glass, wood, soil and tool-marks. When collecting known samples it is important to note the location from they were collected.

Z. First Responder Responsibilities and Precautions

Officers will preserve the crime scene until the CID Commander, Rockingham County Identification Chief or SBI arrives and that agency will handle according to their policies and procedures.

1. Procedures for the collection, storage and transportation of DNA evidence:

   Officers will preserve the crime scene until the CID Commander, Rockingham County Identification Chief or SBI arrives and that agency will collect, store and transport according to that agency’s policies and procedures.
2. **DNA evidence collection training requirements for persons collecting evidence:**

   The collecting agencies and the training requirements are according to that agency's policies and procedures.

3. **Procedures for the submission of DNA evidence to accredited laboratories:**

   The collecting agencies and the submission procedures are according to that agency's policies and procedures.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers with the guidelines for handling confidential funds and sources of information.

II. POLICY

It is the policy of this law enforcement agency that Officers will effectively, efficiently, and appropriately manage the use of confidential funds and confidential sources of information.

III. DEFINITIONS

Confidential Source of Information: A person who provides information or investigative assistance and who receives confidential funds, a reduction of charge, a reduced sentence, or any other special consideration or action by a law enforcement agency.

Restricted-Use Confidential Source of Information: Any source of information who is less than 18 years of age and/or is being supervised on state or federal probation, parole, or post-release supervision.

Citizen Source of Information: A person or organization, not under the direction of a specific officer, who provides information without becoming a party to the investigation itself, or, a concerned citizen who witnesses an event of interest to the Department and provides information without the expectation of a reduction of charges, reduced sentence, or any other special consideration or action by the Department.

Confidential Funds: Funds that are budgeted by the governing body or awarded by the Court to the Department to be used for the purchase of confidential information or contraband.

IV. PROCEDURE

A. Organization and Administration

The management of confidential funds for the Department is delegated to the Criminal Mayodan Police Department (Section III: Standard Operating Guidelines)
Investigations Division. The Chief of Police will control the distribution and accounting of all funds allocated for this purpose. The management of confidential sources of information is the responsibility of the Criminal Investigations Division Commander, who will maintain a confidential file on all confidential sources of information.

A system of accounting for confidential funds and sources of information will ensure:

1. The facilitation of access to the funds by all operations personnel.
2. Responsibility and accountability for the handling and use of confidential funds and sources of information.
3. That effectiveness is measured according to the results or benefits received.
4. That funds and sources are administered efficiently and used for authorized purposes.
5. That the agency’s reputation for integrity is protected by incorporating all reasonable precautions for handling and using confidential funds and sources.

B. Criteria for Sources of Information

The following three criteria must be met to establish a person as a confidential source of information or restricted-use source of information for the Department:

1. The person is in a position to measurably assist the Department in a present or future investigation.
2. Based upon the information available to the Department, the person will not compromise law enforcement interests and activities.
3. The person will accept the measure of direction necessary to effectively use his/her services.

C. Establishment of Sources of Information

1. All persons used as a confidential source of information must be formally established as such. To establish a source of information or restricted-use source of information, the establishing officer is required to assign a code number to the source of information. The code number is derived as follows:
   a) The establishing officer’s three digit Employee ID number.
   b) The last two digits of the calendar year at the time of establishment.
   c) A sequential two digit number starting with ‘01’ for that particular calendar year. (EXAMPLE: 999-09-01)

2. Once assigned, this code number will remain with the source of information throughout his/her use as a confidential source of information. Documentation other than that contained in the source’s confidential file will refer to him/her by
code number.

3. A confidential file will be established and maintained on all confidential sources of information. These files will be maintained in a separate and secure area, segregated from any other files, and will be restricted and controlled by the Criminal Investigations Division Commander.

4. Access to these files will be limited to those employees who have a necessary, legitimate need. Confidential files will include the following information:
   a) Code number.
   b) First, middle and last name.
   c) Alias.
   d) Date of Birth.
   e) Height/Weight.
   f) Eye color/Hair color.
   g) Scars/Marks/Tattoos.
   h) Last known address.
   i) Last known telephone number.
   j) Method of contact.
   k) Criminal history, if applicable.
   l) Names of officers who know the source.
   m) Payment history of the source.
   n) Photograph.
   o) Informant Working Agreement.

D. Uses of Sources of Information

The following guidelines will be observed concerning the use of sources of information:

1. Sources of information are assets to the Department, not to a specific officer. The Criminal Investigations Division Commander has the authority to reassign a source of information to the control of another officer.

2. Contacts with sources of information will be of a strictly professional nature. Extrinsic social or business contacts are expressly prohibited.

3. Contacts with sources of information will be such that their knowledge of the Department's facilities, operations, activities, and personnel are kept to the minimum required for the successful use of the source.
4. Whenever practical, two officers should be present at all contacts with a confidential source of information. Two officers will be present when sources of the opposite gender are contacted.

5. Sources of information will be advised at the outset that:
   a) They will not violate criminal law in gathering information or providing services to the Department, and any evidence of such violation will be reported to the appropriate authorities.
   b) They have no official status, implicit or otherwise, as officers or employees of the Department.
   c) The information they provide may be used in a criminal proceeding and, although the Department will use all lawful means to protect their confidentiality, this protection cannot be guaranteed.
   d) Prior to any judicial proceeding, the officer will advise the prosecutor of any assurances and/or compensation provided to a source of information who is a witness. The prosecutor should be consulted before any assurances are given to a source of information.
   e) When a source of information is to participate in a controlled-buy situation during which the source of information may come in contact with either official funds, controlled substances, or anything else of potential evidentiary value, the source of information will be thoroughly searched both before and after the encounter and, where possible, kept under continuous observation in between. For each operation, the officer will complete an Informant Activity Report and forward to the CID Commander.
   f) No source of information may be enrolled in any alcohol or drug abuse treatment program for the purpose of furnishing information to identify clients of the program.
   g) No officer may recruit or question a source of information pertaining to the identification of clients of an alcohol or drug abuse treatment program.
   h) It is prohibited to use persons as sources of information who are currently under a court-ordered condition of probation, parole, or post-release supervision, except when authorized in writing by the Probation/Parole Officer.
   i) Persons under 18 years of age should not be recruited, but may be used as restricted-use sources of information with the written consent of their parent or legal guardian. Persons under 16 years of age will not be used to make introductions for the purpose of undercover activities without the written approval of the Chief of Police.
   j) When a source of information is suspected or known to be undesirable or unreliable, his/her services will be discontinued immediately. The officer
making the determination will immediately notify the CID Commander, who will document the reasons for the termination and suspend further use of the source. When possible, notification of the confidential source should be made in person with a deactivation/termination letter from the CID Commander. If personal notification is not possible, the letter will be sent via certified mail with a return receipt requested. A copy of the letter will be filed in the source’s confidential file.

E. Confidential Funds

At times it will be necessary to pay confidential sources of information for their assistance in a criminal investigation. Officers who use an established confidential source of information may receive funds to pay those sources from the Department’s confidential funds. These funds consist of monies budgeted by the Town and awarded by the Court for the purpose of purchasing information and contraband.

F. Requests for Disbursement

Confidential funds for criminal investigation purposes will be maintained by the Chief of Police for disbursement to individual officers. The CID Commander will receive these funds by making a request, in writing, to the Chief of Police.

When an officer requires funds to pay a confidential source of information or to use in a criminal investigation, he/she will make the request to the CID Commander.

G. Documentation and Reports

The officer will complete a Confidential Funds Accounting Report and Receipt Form for all expenditures of confidential funds or transfer of funds from one officer to another:

1. Section One will be completed whenever money is transferred from one officer to another.

2. Section Two will be completed when an actual purchase of any type of evidence is made. The individual actually making the purchase will be shown, regardless if it is made by an officer or by someone acting in the employ of an officer. The amount and type of evidence purchased will be indicated.

3. Section Three will be completed to reflect actual undercover expenses incurred by officers. Whenever possible, receipts will be attached. Officers will indicate the exact location of the expenditure in the Confidential Funds Accounting Report section.

4. Section Four will be completed when actual payments are made to confidential sources for information received or expenses incurred by the confidential source while assisting in an official investigation. The officer will use the appropriate code number for the source of information when justifying the expenditure in the Confidential Funds Accounting Report section.

The CID Commander will submit to the Chief of Police quarterly reports of
expenditures of confidential funds. The Chief of Police will require and review quarterly audits of confidential funds. Information pertaining to confidential funds will be maintained in a restricted file by the CID Commander.

H. Expenditure Restrictions

Payments to confidential sources are restricted as follows:

1. All payments to a source of information must be witnessed by another law enforcement officer.

2. A payment of any amount must be approved by the CID Commander. The Chief of Police has the sole responsibility for release of funds, once approved by the CID Commander.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers with the guidelines for conducting decoy, undercover and surveillance operations.

II. POLICY

It is the policy of this law enforcement agency that Officers will conduct decoy, undercover, and surveillance operations on an as-needed basis in conjunction with specific enforcement activities of the Department.

III. PROCEDURE

A. Decoy Operations

Due to the risk involved in decoy operations, safety precautions will be taken prior to the initiation of any such operation and, when possible, specially trained personnel should be used.

Decoy operations may be initiated in response to identified repetitious criminal incidents. The Chief of Police will be notified by the Criminal Investigations Division Commander of extensive and/or sensitive decoy operations.

B. Undercover Operations

Undercover operations, including inter-agency undercover operations, will be coordinated and managed by the Criminal Investigations Division Commander or his/her designee.

The CID Commander or his/her designee will be responsible for briefing the on-duty Criminal Investigator concerning the operation prior to its initiation. The Chief of Police will be notified by the CID Commander of extensive and/or sensitive undercover operations.

C. Surveillance Operations

No organized crime or vice surveillance will be initiated unless there is a reasonable, explainable suspicion that the person or location placed under observation is engaged in criminal activity.

The Chief of Police will be notified by the CID Commander of extensive and/or sensitive surveillance operations.

D. Surveillance Equipment

Mayodan Police Department (Section III: Standard Operating Guidelines)
The CID Commander will be responsible for the distribution and use of surveillance
and undercover equipment. The CID Commander will:

1. Ensure that all such equipment is maintained in proper working condition and
   stored in a secure location.

2. Maintain a record of such equipment, including the officer to whom it is assigned,
   the purpose of its use, and the dates of issue and return.

E. Operational Plans

1. **Written Plans**

   A written plan will be submitted and approved prior to the implementation of
   any planned extensive and/or sensitive decoy, undercover, or surveillance
   operation. This plan will address the needs of each specific situation and will
   include a minimum of the following, when applicable to the mission:

   a) An analysis of the particular crime, victim, and suspects.

   b) A determination of the legal ramifications of the operation.

   c) A familiarization of the involved officers with the objective and details of
      the operation and the geographic area of the operation.

   d) Predetermined operational procedures for observation, arrests,
      surveillance, and high-risk entries.

   e) Provisions for providing officers with expense funds.

   f) Established means of routine and emergency communication.

   g) Selection of all necessary equipment and vehicles.

   h) Provisions for providing relief, backup security, and perimeter protection
      personnel for officers.

   i) Procedures for supplying officers with false identity, disguises, and
      necessary credentials.

   j) The maintenance of overall confidentiality and cover.

   k) Provisions for obtaining authorization for any raid and/or the use of force.

   l) The designation of a single person as supervisor and coordinator.

   m) The provision of close supervision of the operation.

   n) Plans for making contact with suspects.

   o) Provisions covering the search and seizure of evidence and/or contraband.

   p) Provisions for requesting medical assistance.
q) Provisions for obtaining coordination and assistance from others, both inside and outside the agency.

2. Notification

The on-duty Criminal Investigator will be notified and kept abreast of any decoy, undercover, or surveillance operation. In his/her absence, the District Supervisor will be advised.

3. Selection of Personnel

Officers involved in decoy, undercover, and surveillance operations will be volunteers and will be in good physical condition. The selection of officers to be assigned to decoy, undercover, and surveillance operations will normally be made by the CID Commander.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers and Investigators with guidelines for responding to reports of sexual assault, assisting victims, collaborating with local health and service agencies, and conducting interviews with victims, witnesses, and suspects. Because of the special needs involved in sexual assault investigations, this policy is an all-inclusive document that covers first response, investigation, and prosecution.

II. POLICY

A victim's distress may create an unwillingness or psychological inability to assist in the investigation. Officers and investigators play a significant role in both the victim's willingness to cooperate in the investigation and ability to cope with the emotional and psychological after effects of the crime. Therefore, it is especially important that these cases be handled from a nonjudgmental perspective so as not to communicate in any way to a victim that the victim is to blame for the crime.

III. DEFINITIONS

**Sexual Assault:** As used in this policy refers to felony crimes of sexual violence. Specific statutory definitions of sex crimes vary by state. In most states, crimes of felony sexual assault include one of the following sexual acts:

- Penile-vaginal intercourse.
- Contact between the genitals and mouth.
- Contact between an anus and a penis.
- Penetration of the vagina or anus with a foreign object.

Sexual assault generally constitutes a felony when one of the following conditions exist:

- Force was used or threatened, even if there is no bruise or injury to the victim.
- The victim was afraid, even if this did not lead the victim to physically resist.
- The victim was disabled and could not legally give consent (that is, the victim could not understand the nature or condition of the act due to illness or disability).
➢ The victim was severely intoxicated or unconscious as a result of drugs or alcohol and was therefore unable to give informed consent at the time of the sexual act.

➢ The victim was under the age of legal consent at the time of the sexual act

**Victim Advocate:** This generic term may apply to a wide range of service providers, rape crisis counselors, social workers, victim witness providers within a prosecutor’s office, and law enforcement officers, including departmental victim assistants. Depending on the primary functions of these different advocates, the levels of confidentiality and privilege they have will vary and should, therefore, always be understood by each member of the sexual assault response team and communicated to the victim.

**IV. PROCEDURES**

**A. Communications Officer Response**

1. Due to the trauma of a sexual assault, a victim reaching out for assistance may be in crisis. The victim’s behaviors may actually be symptomatic of this condition and can range from hysteria, crying and rage to laughter, calmness, and unresponsiveness. There is no one typical reaction, so it is important to refrain from judging or disregarding any victim.

2. When a caller reports a sexual assault, communications personnel shall follow standard emergency response to include evaluating and properly prioritizing the call, securing medical assistance, inquiring about a suspect’s current location, and obtaining detailed information to identify the suspect. Information about the relationship with the victim, weapon use, and history of violence shall also be obtained.

3. To ensure critical evidence is not lost, communications personnel shall:
   a) Ask whether the victim has bathed, douched, urinated, or made other physical changes and advise against doing so.
   b) Ask the victim to use a clean jar to collect the urine should the victim have to urinate.
   c) Let the victim know that other evidence may still be identified and recovered so the crime should still be reported if the victim has bathed or made other physical changes.
   d) Preserve the communications tape and printout for the investigation.
   e) Explain to the caller that these questions will not delay an officer’s response to the caller’s location.

**B. Initial Officer Response**
1. Emergency Response

As part of the emergency response, officers shall:

a) Make contact with the victim as soon as possible to address safety concerns and summon emergency medical assistance if needed.

b) Evaluate the scene for people, vehicles, or objects involved as well as possible threats.

c) Relay all vital information to responding officers and supervisors, including any possible language barriers.

d) Secure the crime scene to ensure that evidence is not lost, changed, or contaminated.

e) Request assistance from detectives, field evidence technicians, crime laboratory personnel, and the prosecuting attorney when appropriate.

f) Begin a search for the suspect when appropriate

2. Assisting the Victim

As part of the emergency response, officers shall:

a) Show understanding, patience, and respect for the victim's dignity and attempt to establish trust and rapport.

b) Inform the victim that an officer of the same sex will be provided if desired and available.

c) Contact a victim advocate as soon as possible to provide assistance throughout the reporting and investigative process.

d) Supply victims of sexual assault with the phone number for the Rape, Abuse, and Incest National Network (RAINN) Hot-line, 1-800-656-HOPE. Operators at this hot-line connect the caller with the rape crisis center closest to the victim’s location.

e) Request a response from investigations, and clearly explain his or her role and limit the preliminary interview so that the victim is not then asked the same questions by a detective.

f) Be aware that a victim of sexual assault may bond with the first responding officer. It is important to explain the role of the different members of the sexual assault response team and help with transitions through introductions.

g) Record observations of the crime scene, including the demeanor of the suspect and victim and document any injuries or disheveled clothing.

3. Evidence Collection Issues
a) Officers shall request assistance or direction from crime scene technicians and forensic scientists.

b) Responding officers shall protect the integrity of the evidence and guard the chain of custody by properly marking, packaging, and labeling all evidence collected, including:

1) Clothing worn at the time of the assault and immediately afterward, especially the clothing worn closest to the genitals (such as undergarments, pants, and shorts).

2) Photographs and videotape of the victim’s injuries (if any), the suspect’s injuries (if any), and the crime scene prior to processing.
   (a) When photographing a victim, be sensitive to the location of the injuries on the victim’s body.
   (b) Summon an officer of the same sex as the victim.
   (c) Photograph victims using drapes and other techniques that help to maintain the victim’s dignity.
   (d) Instruct medical personnel to take photographs of the genitalia when needed.

3) Diagram of the crime scene(s).

c) When an investigating officer suspects that a sexual assault may have been facilitated with drugs or alcohol, he or she should determine the time of the incident as soon as possible in order to make decisions regarding the collection of urine and blood samples.

d) Officers shall introduce the need for a medical examination to the victim explaining the importance to investigative and apprehension efforts as well as for the victim’s well being. Officers shall not coerce victims to go to the hospital or to provide samples for drug screening.

e) DNA evidence plays a crucial role in the sexual assault investigation. In addition to the victim’s and suspect’s bodies and clothing, there are many other potential sources such as condoms, sheets, blankets, pillows, and bottles that may contain biological evidence such as blood, sweat, tissue, saliva, hair, and urine. To properly collect DNA evidence, officers shall

1) Use sterile gloves and change as needed.

2) Use sterile swabs, papers, solutions, and tools.

3) Package evidence in individual envelopes.

4) Avoid touching the area where potential DNA evidence may exist.

5) Avoid talking, sneezing, and coughing over evidence.
6) Air dry evidence before packaging.

7) Put evidence into new paper bags or envelopes, not plastic.

f) The sexual assault evidence kit shall be accepted from the medical staff after it has been properly sealed and labeled.

1) The kit will contain whole blood that requires that the kit be placed and logged into an evidence refrigerator as soon as possible. The kit may also contain a urine sample for toxicology testing. If it does, the urine sample shall also be refrigerated.

2) Investigating officers or supervisors shall have access to the evidence refrigerator after regular business hours, on weekends, and on holidays.

3) The kit shall not be allowed to freeze or be exposed to heat such as being near a car’s interior heater.

4. Stranger vs. Non-Stranger Assaults

Responding officers shall be familiar with common defenses to the charges of sexual assault.

a) Non-Stranger Assault

The majority of non-stranger sexual assaults result in a consent defense. Thus, evidence of particular importance includes:

1) Evidence of physical or verbal resistance on the part of the victim.

2) Evidence of genital or non-genital injury.

3) Detailed account of the victim’s thoughts and feelings during the assault.

4) Information regarding the suspect’s size and strength in comparison to the victim’s.

5) Information regarding the environment in which the assault took place (such as isolation, soundproofing).

6) Information regarding the victim’s behavior after the assault, including post traumatic stress.

b) Stranger Assault

Evidence in stranger sexual assaults often center on a question of identification pending the processing of DNA evidence. Therefore, investigative strategies must remain flexible. An identity defense will typically include latent fingerprints, lineups, DNA, and trace evidence.

5. Identify and Locate Witnesses and Suspects
Based on the victim’s emotional and physical state, questions of the victim concerning the assault and description and location of the suspect shall be limited. Responding officers must identify and interview any potential witnesses, bearing in mind that there may be multiple crime scenes. It is especially important that the first person the victim told about the sexual assault be identified and interviewed.

6. Documentation

Any officer who interviews a witness or a suspect, identifies evidence, or processes a crime scene shall write his or her own report detailing the actions he or she took. These supplemental reports shall be compiled by the first responding officer for the follow-up investigation regardless of whether an arrest is made.

C. Preliminary Victim Interview

Sexual assault investigations typically include both a preliminary and subsequent in-depth interview with the victim. The preliminary interview is intended to establish whether a crime has occurred. In the initial response, the officer shall first establish the elements of the crime(s) and identify any and all witnesses, suspect(s), evidence, and crime scene(s). The officer must understand and the report indicate that the preliminary interview is not intended to be a comprehensive or final interview. Additional interviews will be needed as the investigation develops.

1. Involve a Victim Advocate

Every effort shall be made by the investigating officer to contact a victim advocate as soon as possible. If the victim declines assistance from an advocate, the investigator shall provide the victim with written referrals for community resources specifically designed to help victims of sexual assault.

2. Victim Interview Protocol

a) Based on the length of time between the assault and report of the crime and the individual’s personal history, the victim may be in crisis and experiencing post traumatic stress disorder or rape trauma syndrome and exhibiting a range of behaviors that will likely change over time.

b) The victim’s response to the trauma of a sexual assault shall not be used in any way to measure credibility. When drugs or alcohol are involved, the victim may have limited recollection or be unable to give a complete account of the crime. Not knowing the details of what happened may exacerbate the trauma experienced by the victim.

c) Interviews shall be conducted promptly if the victim is coherent and consensual.

d) Proceeding with or conducting a thorough investigation shall not be contingent upon laboratory findings.

1) Investigators shall:
(a) Remain patient and maintain an open mind while listening to the victim's account.
(b) Remember that victims may struggle with gaps in memory.
(c) Avoid leading questions while conducting the interview.
(d) Use simple terminology appropriate to the victim's age, sophistication, and intelligence.
(e) Avoid using jargon or police, medical, or legal terms.

2) Prior to initiating the interview, the officer shall:
(a) Interview any witness who might have seen or spoken with the victim before, during, or after the assault.
(b) Accommodate the victim's request for a rape crisis advocate or support person whenever possible.
(c) Take responsibility for excluding a support person when appropriate and offer the victim and support person an explanation.
(d) Secure a private location for the interview that is free from distractions.
(e) Express sympathy to the victim and an interest in the victim's well-being.
(f) Inform the victim of the need and importance of full disclosure of any and all recent drug use.

3) During the interview, the officer shall:
(a) Obtain contact information for the victim, including temporary accommodations.
(b) Explain the nature of the preliminary interview and the need for follow-up contacts.
(c) Ask victims to explain what they remember and how they felt.
(d) Revisit the possibility of a support person for victims who initially declined the offer.
(e) Explain that other professionals such as forensic examiners, detectives, evidence technicians, and prosecutors may have additional questions.

4) At the conclusion of the initial interview, the officer shall:
(a) Give the victim the investigator’s contact information.

(b) Encourage the victim to contact the investigator with any additional information or evidence.

(c) Remind the victim that visible evidence of injury may appear later, and to contact the investigators for additional photographs or other documentation.

(d) Ensure that requests for victim protection orders are made where indicated.

(e) Provide written referrals for victim service organizations.

(f) Provide transportation when reasonably possible.

(g) Inform the victim about next steps in the investigation.

3. Protecting Victim Rights

   a) Throughout the investigation of the case, officers shall protect the confidentiality of the victim’s information to the maximum extent possible by law and policy.

   b) In addition, victims should be provided information on:

      1) The rights of a crime victim.

      2) How to contact police if harassed or intimidated by the suspect(s).

      3) How to obtain written permission from the victim prior to releasing information.

      4) The definitions of information that is part of the public record and confidential.

      5) The possibility of media coverage and information the media has access to regarding sexual assault crimes.

4. Arrest and Prosecution Decisions

   In the immediate aftermath of a sexual assault, a victim shall not be expected or encouraged to make decisions regarding the investigation or charges related to the offense. Officers shall not introduce any forms for a victim to sign to decline an investigation.

5. Delayed Reports

   Delayed victim reporting is common in sexual assault cases due to the trauma and fear experienced by victims and should not deter a thorough investigation. Officers shall inquire about and document the reasons for a delayed report, while avoiding questions that could be perceived as judgmental or accusatory.
D. Forensic Examinations for Victims of Sexual Assault

Victim-centered care is paramount to the success of the forensic examination of victims of sexual assault. A timely, professional forensic examination increases the likelihood that injuries will be documented and evidence collected to aid in the investigation and prosecution of sex offenders.

Evidence may normally be collected up to 92 hours after the assault, but evidence can be gathered and injuries documented beyond that time, especially if the victim is injured, bleeding, or experiencing pain.

1. Investigating Officer Actions
   a) Ask the victim whether there is anyone who should be called or notified, and facilitate this contact.
   b) Address any special needs of the victim, such as communication or mobility, and notify the victim advocate of the special need.
   c) Explain the purpose of the forensic examination and its importance to the investigation and provide the victim with information on the procedure.
   d) Inquire whether the victim will consent to a forensic examination.
   e) Inform the victim of the right to decline any or all parts of the examination.
   f) Explain to the victim the potential consequences if any part of the examination is refused.
   g) Notify a victim advocate to offer the victim support when a forensic examination is to be conducted.
   h) Transport the victim to the designated medical facility if a forensic examination is warranted and the victim consents.
   i) Advise the victim that the forensic examiner will collect any clothing that was worn during or immediately after the sexual assault.
   j) Assist in arranging for clothing the victim may need after the examination.
   k) Seek permission from the victim to collect a urine sample for drug screening.
   l) Obtain a signed release from the victim for access to medical records.
   m) Encourage a victim who is unwilling to undergo a forensic exam to get medical attention including testing for pregnancy and sexually transmitted diseases.

2. Coordination with Forensic Examiner
   Responding officers shall coordinate with other professionals such as forensic...
examiners and criminalists to determine whether a forensic examination is indicated.

a) When a forensic examination is indicated, the investigating officer shall brief the examining nurse or physician about the details of the sexual assault, as they are known at that time.

b) Officers should not normally be present in the examining room as the forensic examiner will testify about collection of evidence and the chain of custody.

c) The nurse or physician shall brief the investigating officer at the conclusion of the examination.

d) The police report shall contain a copy of the forensic exam, if available, and a summary of the findings that note significant information or injury. After the examination, all the evidence shall be transferred to the department for storage.

3. Presence of a Victim Advocate

When it is determined that a forensic examination will be conducted, a victim advocate or a support person of the victim’s choosing shall be allowed to be present in the room and during the interview, unless it would be harmful to the investigation. The officer shall take responsibility for excluding a support person, when appropriate, and providing an explanation to the victim and the support person.

4. Drug-Facilitated Sexual Assault Considerations

a) If a drug-facilitated sexual assault is suspected, it is critical to obtain a urine sample from the victim as soon as possible. If it has been less than 24 hours since the time of the assault, also obtain a blood sample in a grey-top tube.

b) Protocols for responding to illegal substance abuse by victims (including underage drinking) shall be followed and never used to discredit or discourage the victim from reporting the assault. The department priority is to conduct a thorough investigation of a sexual assault rather than prosecute victims for misdemeanor violations.

c) Because of the delay in reporting most sexual assaults, laboratories capable of testing urine and blood samples at very low levels for those drugs commonly used to facilitate sexual assault are essential.

5. Reimbursement for the Examination

a) The department will not pass the cost of the forensic exam onto the victim of a sexual assault, but shall seek sources of financial support from the community or state for these expenses

b) Officers shall not use the state compensation program as means to
encourage cooperation from victims.

c) In the case of a victim who is unable at this time to proceed with an investigation, financial concerns shall be addressed prior to the examination.

E. Follow-Up Victim Interview

Prior to a follow-up interview, the investigating officer shall consult with agency personnel who responded to the scene, retrieve communications tapes and printouts, and review all reports. The officer should coordinate with relevant agencies, assistance organizations, service providers, or sexual assault response professionals to address the needs of the victim and to discuss the best means for keeping the victim informed.

1. Investigative Strategy

In preparing for the interview, the investigator shall develop an investigative strategy based on the nature of the assault and the possible defenses available to the suspect (such as denial, mistaken identity, or consent). This strategy shall guide the questions and other evidence collection efforts. Critical evidence collection efforts include evaluating whether a pretext phone call is appropriate and rephotographing injuries to document changes in visible injuries.

2. Follow-Up Interview Protocol

a) An in-depth follow-up interview shall be conducted after the victim has been medically examined and treated, and personal needs have been met.

b) In the event that the victim is still under the influence of drugs or alcohol, has been injured, or as a result of the assault has not slept, and barring exigent circumstances requiring an arrest or identification, the interview shall be delayed.

c) Arrange for equipment to tape record or videotape the interview so the officer can focus on listening.

d) The interview shall be conducted in a location that is convenient, accessible, and comfortable for the victim. The investigator shall provide or arrange for transportation for the victim when needed.

e) At the start of the follow-up interview, the officer shall:

1) Discuss the purpose and scope of the interview.

2) Review contact information for both the victim and investigator that may need to be updated.

3) Explain the victim’s rights, including confidentiality.

4) Explain the need to tape record or videotape the interview and request the victim’s consent.
5) Address arrest decisions including an explanation of the status of the case.

f) While conducting the follow-up interview, the officer shall:

1) First allow the victim to describe what occurred without interruption.

2) Relay what he or she heard for accuracy, identify new information or developments, and ask questions.

3) Clarify any inconsistencies with earlier accounts of the sexual assault in a nonthreatening manner.

4) Document the victim’s actions in response to the attack, the victim’s state of mind during the attack, specific statements made by the perpetrator, and the nature of any relationship with the suspect and explain the importance of these questions from a prosecutorial standpoint.

5) Inquire about any circumstances that may indicate the use of a drug to facilitate the sexual assault (such as whether the victim experienced any loss of memory, disorientation, severe illness, or hallucinations).

6) Assist the victim in developing a safety plan, in the event safety concerns exist, and encourage the victim to call police if the suspect violates any existing criminal or court orders or if the suspect contacts the victim in any way.

g) Once a thorough follow-up investigation has been completed, the investigating officer shall:

1) Evaluate impounded evidence and determine which items might have probative value based on the statements and other information.

2) Submit a lab service request such as DNA, biology, trace, or toxicology based on the assessment of the evidence.

3) Present the complete case file including forensic results as soon as available to the prosecuting attorney for review and work with the prosecutor’s office to develop the case.

4) Encourage the victim’s continued support in the investigation, apprising the victim of future investigative and prosecutorial activities that will or may require involvement.

5) Familiarize the victim, prior to trial, with the types of defense strategies and inquiries that may be made during cross examination.
3. **When Lacking the Victim’s Involvement**

   This department shall respect a victim’s inability, or decision not, to be involved in criminal justice proceedings and always be willing to offer continued assistance and referrals.

F. **Contacting and Interviewing the Suspect**

1. The investigating officer(s) shall follow department procedures on identifying the suspect, conducting the suspect interview, and collecting evidence in a sexual assault investigation.

2. Involvement of a victim in a pretext phone call to the suspect should take into consideration the victim’s emotional and physical state. A victim advocate should be present whenever possible to offer support.

G. **Sexual Assault Forensic Examination for the Suspect**

   This department will work with other agencies and community organizations to establish protocols regarding where the forensic examination of the suspect will take place, who will pay for it, and what steps will be involved. It is essential that the victim and suspect examinations must take place in different locations.

   1. **Protocol for Suspect Examination**

      a) Immediately after the preliminary suspect interview, the investigating officer shall determine whether a forensic sexual assault examination should be obtained for the suspect.

      b) A search warrant may be needed to collect any evidence from the body of the suspect or even to collect clothing. If the suspect consents to such evidence collection procedures, documentation of voluntary consent shall be provided in the police report.

      c) The investigator shall clearly document the suspect’s freedom to decline any part of the examination and to leave at any time.

      d) First-line officers and supervisors shall be trained to collect cells from inside a suspect’s cheek for DNA profiling. Cotton tipped swabs or other buccal DNA collectors shall be readily available to investigators in the field.

   2. **Evidence Collection**

      a) The forensic examiner shall document the suspect’s medical history, document all injuries that are observed, and collect biological and trace evidence from the suspect’s body

      b) If in custody, the suspect shall be given a Miranda warning before being asked medical history questions by the forensic examiner or investigator.

      c) If the suspect invokes his right to remain silent, the examiner shall bypass
the medical history portion of the examination and continue documenting any visible injury and collecting the appropriate specimens.

d) Both the examiner and attending officer shall be prepared to document any spontaneous statements made by the suspect regardless of whether or not the suspect is in custody and whether or not the suspect was provided with a Miranda warning.

H. Role of the Supervisor

First-line supervisors shall demonstrate a detailed understanding of victim issues and proper response by subordinates. Supervisors shall:

1. Respond to assist officers investigating felony sexual assaults.
2. Exhibit sensitivity to victims and ensure that victims are dealt with properly by clarifying their expectations of line officers.
3. Assist in locating resources to effectively investigate sexual assaults.
4. Encourage problem-solving partnerships to enhance cooperation between the department and community organizations such as rape crisis centers and forensic examination programs using a victim-centered approach.
5. Include victim services information regularly at roll call.
6. Develop and encourage community partnerships to reduce the risk of sexual assault.
7. Create opportunities for ongoing training to improve the skills needed to properly investigate sexual assault.
8. Work to increase inter-agency communication between law enforcement and prosecutors to ease the transition for victims moving from the investigation phase to prosecution.
9. Incorporate victim services issues into the evaluations of officers and detectives.
10. Recognize and reward officers for rendering effective victim services.

I. Blind Reporting

In the aftermath of a sexual assault, a victim may not have the emotional or physical capacity to commit to a full investigation and a court trial. Departments should consider establishing blind reporting systems to allow victims to take the investigative process one step at a time. This will allow time for the victim to establish trust with an investigator and become comfortable with the investigative process.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers with the guidelines for conducting searches, raids and seizures.

II. POLICY

It is the policy of this law enforcement agency that Officers may conduct searches incident to arrest, with a search warrant, or by voluntary consent. Officers may conduct warrant-less searches if probable cause and unusual circumstances exist. All searches will be conducted in a reasonable manner and at an appropriate time.

Any property seized during a search will be accounted for in compliance with state law and departmental directives. (See 3.06 Evidence and Property)

The seizure of property based solely on a common trait of a group, commonly known as ‘bias based profiling,’ is prohibited. Bias based profiling includes, but is not limited to race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group or any other identifiable group.

III. PROCEDURE

A. Consent Searches

Consent is a statement to an officer giving permission to search. The person granting the consent must be:

1. The person being searched, or
2. The registered owner or person in apparent control of a vehicle, or
3. The person who owns the premises or is in apparent control of the premises, and
4. The consent must be voluntary.

Scope of a Consent Search

A person has the right to refuse to give consent to search. A person giving consent may limit the scope or duration of the search. The consent may be withdrawn at any time during the search.

The search must cease if consent is revoked. Officers are not required to notify the consenting person of these rights prior to requesting consent unless the person inquires, and then the officer must answer truthfully.
Consent Search Waiver Form

Whenever possible, officers should have the consenting person sign a Consent to Search Waiver Form prior to initiating a consent search. If written consent is not available, officers should document exactly what the consenting person said, and note any witnesses or use a tape recorder to document consent.

B. Search Warrants

Search warrant applications must comply with North Carolina General Statute 15A-244 and contain:

1. The name and title of the applicant.
2. A statement that there is probable cause to believe that items subject to seizure under North Carolina General Statute 15A-242 may be found in or upon a designated or described place, vehicle, or person.
3. Allegations of fact supporting the probable cause statement; Statements must be supported by one or more affidavits specifically setting forth the facts and circumstances establishing probable cause to search.
4. A request that the Court issue a search warrant directing a search for and the seizure of the items in question.
5. Time limitations; Search warrants must be executed within 48 hours of issuance. If a warrant is not executed, it must be marked “not executed” and returned to the clerk of the issuing court. After executing a warrant, the officer must, without unnecessary delay, return the warrant with a written inventory of the items seized.

C. Execution of Search Warrants and Planned Raids

A supervisor will approve all searches and planned raids and will review the search warrant and raid plans prior to execution.

1. Operational Plan

Prior to the execution of a search warrant or raid, a preparatory meeting should be held for all assigned personnel. When time permits, a written operational plan should be prepared. In all cases the following will be established:

a) The person in charge of the search.
b) The location to be searched.
c) A diagram of the area and structure to be searched, including:
   1) Streets, adjacent structures, approach routes, and physical characteristics of the structure.
   2) If possible, a diagram of the interior of the structure with the layout of the rooms, furniture, and locations of where contraband
or weapons are known to be kept.

3) The proposed point of entry, as well as any exits and outside perimeter points.

4) Information on suspects or inhabitants expected to be at the location, including criminal histories and weapons frequently carried.

5) The approach route of the entry team and any ploys used to gain entry; In raids where forced entry is anticipated, a uniformed officer should be included in the entry team. The supervisor accompanying the raid may grant an exception when unobserved approach is not possible, and premature alerting of the suspect might endanger officers.

d) Access to radio communications for all members of the search team; The team leader must specify the TAC channel to be used and any agreed-upon code phrases.

e) Appropriate equipment for all team members; Upon completion of the search, each officer will check his/her equipment to ensure that nothing is left behind.

f) Specific duties for each member of the search team, including:

1) Perimeter security, including officers to guard the main entrance to limit access to authorized persons.

2) Entry of the premises.

3) Search of the premises which allows each room or area to be searched twice by different officers.

4) Custody of the suspects.

5) Securing, labeling, and documentation of all evidence.

g) The supervisor will brief team members on departmental policies concerning the use of force, deadly force, forcible entry, and providing medical assistance for the injured.

2. Prior to Search or Seizure

Before undertaking any search or seizure pursuant to a warrant, the officer must read the warrant and give a copy of the warrant application and affidavit to the person to be searched or to the person in apparent control of the premises or vehicle.

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.
3. **Scope**

The scope of a 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 the items.

If, in the course of the search, the officer inadvertently discovers items not specified in the warrant which are subject to seizure, he/she may also take possession of these items.

4. **Notice of Entry**

The officer executing the search warrant must, before entering the premises, give appropriate notice of his/her identity and purpose to the person being searched or to the person in apparent control of the premises to be searched. If it is unclear whether anyone is present at the premises to be searched, the officer must give notice in a manner likely to be heard by anyone who is present.

If the officer has probable cause to believe that the giving of notice would endanger the life or safety of any person, it is not necessary for him/her to announce his/her presence before making entry into the premises.

Officers who do not give notice must be able to articulate specific facts that made them fear for their lives or the lives of others. Officers who have information that evidence will likely be destroyed must make a quick entry after giving notice.

5. **Following Search or Seizure**

The executed search warrant must be returned without unnecessary delay to the Magistrate’s Office. The warrant must be signed and sworn by the officer who executed the warrant and must contain an inventory of the items seized. The officer in charge is responsible for:

a) Ensuring that all evidence is accounted for.

b) Security of the premises or vehicle.

c) Submission of all paperwork and evidence.

Following the search or raid, the supervisor authorizing the raid will conduct a debriefing of the operation.

6. **Use of Force Reports**

Upon completion of the search or raid, the Supervisor will complete a Use of Force Report.

D. **Warrant-less or Emergency Searches**

Officers may conduct a warrant-less search when there is probable cause to search and unusual circumstances exist which deny the officer the time and opportunity to obtain a search warrant. In the event that an officer seizes any evidence during a warrant-less
search, the officer must prepare a list of the items seized, following the same procedures set forth in North Carolina General Statute 15A-254 for preparing an inventory pursuant to a seizure with a search warrant.

E. Warrant-less Search of Vehicles

If an officer has probable cause to search a motor vehicle that is lawfully stopped in a public place, the officer may conduct a full search of the vehicle without a search warrant. The search may be conducted where the vehicle is stopped or moved to a different facility for searching.

The scope of the search is the same as could be authorized by a search warrant, generally only limited by the size of the item being sought. If an officer’s probable cause to search focuses on the vehicle and not on a particular container, then the entire vehicle, including containers, can be searched if the containers could conceal the evidence.

If an officer’s probable cause to search goes to a particular container that is within the vehicle, the officer may search the vehicle for the specific container and may conduct a warrant-less search of the container for the evidence. The vehicle would need to be lawfully stopped in a public place.

F. Warrant-less Search of Residences or Other Premises

Officers may enter private premises to search without a warrant or consent if it reasonably appears that such action is urgently necessary in order to:

1. Prevent death or serious physical injury, or
2. Provide emergency medical assistance, or
3. Guard against the imminent threat of substantial property damage.

G. Warrant-less Entry to Arrest

Officers may enter private premises without a warrant or consent in order to arrest a person in the premises if:

1. Someone is likely to be killed or seriously injured unless immediate action is taken, or
2. A serious or dangerous criminal offender is likely to escape apprehension unless immediate action is taken, or
3. An officer has attempted to arrest the person who then flees inside the premises and there is probable cause to arrest the person sought, and
4. There is probable cause to believe that the person sought is physically present in the premises at the time of entry.

H. Warrant-less Search of Persons

A warrant-less search of a person can be conducted if the officer has probable cause to
search and unusual circumstances exist. Often the same facts which create probable cause to search also provide probable cause to arrest. An officer has the option of searching based on probable cause plus an emergency situation, or making an arrest and then searching the person incident to arrest.

In most cases, the preferred option is to arrest the person and then conduct a search incident to arrest.

I. Warrant-less 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 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 will be conducted unless:

1. A search warrant for the premises is on the scene.
2. Consent to search has been obtained, or
3. New or additional unusual circumstances arise, necessitating additional warrant-less search.

J. Warrant-less Entry of Crime Scene and Cursory Search

Upon arrival at a crime scene on private premises, an officer may enter the premises without a warrant or consent in order to:

1. Locate and secure perpetrators.
2. Provide assistance to injured persons or others requiring emergency assistance.
3. Locate and secure evidence which is likely to be destroyed or lost by the passage of time.
4. Secure the crime scene following the cursory search.

After additional officers arrive at the scene, authority must be obtained in order to conduct a thorough search of the crime scene by either obtaining a crime scene search warrant or by obtaining consent to search from a person who has the apparent authority to give consent.

K. Search Incident to Arrest

1. Persons Under Arrest

Upon making an arrest, officers may conduct a full search of the arrestee and the area within the arrestee’s immediate control. Generally, the area within immediate control is considered to be that area within the arrestee’s reach.

If the arrestee is permitted to move from room to room or is given access to
particular areas such as a drawer or closet, then the area that can be searched incident to arrest is expanded.

a) **Strip Searches** - Strip searches are defined as any search of an individual requiring the removal of all clothing to permit the visual inspection of skin surfaces including genital areas. Strip searches will be conducted only if the officer has a search warrant for the person, or the person is under arrest, or if the subject consents to be searched.

In addition, the officer must get supervisory approval prior to conducting a strip search. Strip searches will be conducted out of public view in a manner that protects the privacy of the person being searched. An officer of the same gender as the subject must conduct the search. All strip searches shall be documented in the incident report.

b) **Body Cavity Searches** - Body cavity searches are defined as any search involving not only visual inspection of skin surfaces, but also the internal physical examination of body cavities, such as the rectal or vaginal cavity.

If there is probable cause to believe that evidence of a crime is being concealed within a body cavity, a search warrant that specifically orders a body cavity search must be obtained.

In addition, the officer must get supervisory approval prior to conducting a body cavity search. The search must be conducted by appropriate medical personnel using necessary hygienic procedures. A subject may also consent to a body cavity search by medical personnel, in which case the consent should be carefully documented.

Only an officer of the same gender as the subject will be present when the search is conducted. All body cavity searches shall be documented in the incident report.

2. **Motor Vehicles**

If an arrest is made of the occupant of a private motor vehicle, then an officer may not search a vehicle incident to arrest unless:

a) The arrestee is unsecured; and

b) The arrestee is within reaching distance of the passenger compartment at the time the search is conducted; or

c) The officer reasonably believes that he/she will find evidence in the vehicle which is relevant to the crime for which the occupant is being arrested.

Otherwise, in order to search a vehicle after arrest on an occupant, officers must have a Search Warrant or an exception to the warrant requirement to search the vehicle. Those exceptions include:

a) Reasonable suspicion that any occupant of the vehicle is dangerous and might access the vehicle to gain immediate control of a weapon; or
b) Probable cause to believe that the vehicle contains evidence of a criminal activity.

A vehicle that is impounded incident to arrest may be inspected and inventoried without a search warrant. If the vehicle was used in the commission of a crime, an officer should first apply for a search warrant prior to conducting a search or inventory of the vehicle.

L. Entering Premises with Arrest Warrant

1. An officer may enter the private premises or the vehicle of the person named in a warrant to effect an arrest when:
   a) The officer has in his/her possession a warrant for the arrest of the person or is authorized to arrest the person without a warrant having been issued, and
   b) The officer has reasonable cause to believe that the person to be arrested is present, and
   c) The officer has given, or made reasonable effort to give, notice of his/her authority and purpose to the occupant, unless there is reason to believe that giving such notice would present a clear danger to human life.

2. Before entering the premises of a person other than the person named in a warrant, an officer must have one of the following:
   a) Consent of the owner of the premises.
   b) A search warrant describing the premises and the person sought, or
   c) Unusual circumstances that require officers to enter prior to obtaining a search warrant.

M. Forcible Entry

1. An officer may use force to enter the premises or vehicle if there is reason to believe that:
   a) Admittance is being denied or unreasonably delayed, or
   b) When necessary to save a life or prevent serious bodily harm, or
   c) When the officer is in hot pursuit of a violator.

2. The term ‘forcible entry’ will include any entry into any building, except with permission.

3. Forcible entry is entry by force, whether or not any physical damage is incurred to the property. When an officer has reason to believe that a forcible entry is justified and entry is not immediately required, the officer should request that a supervisor respond to the scene. The supervisor will determine if the known facts constitute probable cause and/or the necessity of a search warrant and will grant
or deny permission to forcibly enter the premises.

4. All forcible entries will be reported to the Chief of Police by memorandum through the chain of command and will contain, at a minimum, the following information:

   a) Information pertaining to the person sought.
   b) The charges against the person sought.
   c) Location of the occurrence.
   d) Damage incurred, if any.
   e) Officers involved in the incident.
   f) Statement of probable cause necessitating the entry.
   g) Reporting supervisor's findings, justification, and recommendations concerning the entry.

5. Photographs should be taken of any damage incurred to the premises and forwarded along with the report.

6. No officer will make any statement regarding liability for repairs due to any forcible entry. The Chief of Police will make this determination.

N. Conducting Searches

1. Control of the Search

   When more than one officer is involved in conducting a search, the officer in charge of executing the search must be indicated. This officer is responsible for ensuring that the search is properly executed and that any evidence seized is properly maintained. A supervisor will be present for any non-consent search of a residence.

2. Seized Items

   The area or person to be searched must be searched thoroughly. In the event that evidence is located, the officer in charge will be notified and that officer will collect the evidence. The officer in charge will prepare and sign a receipt for all items seized during the search. If items are seized from a person, a receipt must be given to that person.

   If items are seized from premises or a vehicle, the receipt must be given to the owner or the person in control of the premises or vehicle. If no person is present, the receipt will be affixed to the premises or vehicle.

3. Detention of Persons Present

   Officers may frisk persons present if deemed necessary for safety purposes. An officer directing the search of premises not generally open to the public or the
search of a vehicle other than a common carrier may detain persons present for such time as is reasonably necessary to execute the search.

If the items listed on a search warrant are not found on the premises or vehicle, officers may then search any person present at the time of the officer’s entry to the extent reasonably necessary to find property described in the warrant which could be concealed upon the person.

4. **Concluding the Search**

At the conclusion of a search the officer in charge will ensure that the property that has been searched is secure or that the person in control of the property has had an opportunity to secure the property. In the event that officers caused any property damage while conducting the search, a supervisor must be notified and a record made of the damage.

O. **Seizure of Vehicles Subject to Forfeiture**

1. Vehicles used in the commission of the following offenses are subject to forfeiture and may be turned over by the courts for use by the Department:
   a) Felony violations concerning the sale, delivery, or manufacture of controlled substances.
   b) Violations involving the transportation of non-tax paid alcoholic beverages.
   c) Felony violations concerning the receipt or transport of stolen property.
   d) Armed robberies.
   e) Prearranged speed competition.

2. **Impounding Vehicles Subject to Forfeiture**

When an officer seizes a vehicle subject to forfeiture that may be suitable for use by the Department, the Investigations Commander must provide authorization for holding the vehicle.

As soon as practical, the Investigations Commander or his/her designee will subsequently contact the District Attorney’s Office to determine if seizure is warranted. In most cases, a hold will not be authorized without prior written approval by the District Attorney’s Office.

The following applies to the storage of vehicles subject to forfeiture:
   a) A seized vehicle subject to forfeiture will be held and stored at the Department’s Impound Lot.
   b) Vehicles will be towed to the Impound Lot by a rotation wrecker service, and will then be secured inside the storage area.
   c) Vehicles seized to facilitate further crime scene processing may be
temporarily stored inside at the Department’s Impound Lot. Upon completion of crime scene processing, vehicles stored at the Department’s Impound Lot will either be released to the owner or stored outside.

d) When a vehicle is seized subject to mandatory seizure under the DWI statutes, all provisions of the applicable statutes will be followed:

1) Prior authorization by the Chief of Police is required in all cases where the Town will be responsible for paying the towing and/or storage bill.

2) Upon approval by the Shift Supervisor, the following procedure will be followed. The officer will:

   (a) Call an approved rotation towing service to tow the vehicle to the designated storage area only when absolutely necessary. Contact information for rotation towing services is maintained in the Communications Center.

   (b) When an officer has a vehicle towed for the aforementioned reason a vehicle inventory will be completed.

   (c) The inventory will encompass the interior and trunk areas to record all property in the vehicles.

   (d) Locked, sealed or closed containers such as suitcases, packages, or boxes will be opened when the contents cannot be determined from an examination of the containers exterior. However, locked or sealed items will not be forcibly opened in order to inventory the contents if doing so will cause damage to the container.

   (e) The vehicle trunk and/or glove compartment will not be forcibly opened in order to inventory the contents of those areas.

3) Complete a Vehicle Inventory Form, indicating the location of the vehicle and that the vehicle has been seized subject to forfeiture.

4) Remove personal items from the vehicle on-scene and make every attempt to turn them over to the vehicle’s owner or the suspect or his/her designee. In the event that an appropriate individual is not available to take possession of personal items from the vehicle, take the items to the Department, complete an Evidence Form, and store in evidence as found property.

5) Complete an additional Evidence Form using the case number associated with the seizure, indicating the vehicle’s make, model, color, tag number, and vehicle identification number. List the keys on that Evidence Form. Deliver the keys immediately to the Patrol Commander for storage in the evidence room for
safekeeping. Do not enter keys into evidence.

6) Attach any towing bills to the Vehicle Inventory Form.

7) Forward all forms and case file information to the Patrol Commander. The Patrol Commander will forward the case file to the designated Investigations Commander, who will assign the case to a detective for follow-up investigation, including:

(a) Contacting the District Attorney’s Office to determine if seizure is warranted;

(b) Checking for outstanding liens;

(c) Conducting a vehicle inspection;

(d) Titling the vehicle through the Town Purchasing Department, if authorized by the Court.

P. Investigative Stops and Frisks

Officers may stop a citizen when there is reasonable suspicion that the person has committed, is committing, or is about to commit a crime. The length of an investigative stop is determined by the facts and circumstances surrounding each stop. Generally, more time is allowed for more serious crimes.

An officer may use a reasonable amount of force to conduct an investigative stop, as dictated by the facts and circumstances surrounding the stop. If it becomes necessary to restrain a subject with handcuffs, the officer will advise the subject that he/she is not under arrest, but is being temporarily secured to protect the officer.

During an investigative stop, Miranda warnings are not needed to question the subject. If the subject is under arrest, Miranda warnings are required prior to interrogation.

Transportation of the subject being detained will be by consent only. Transporting without clear consent may constitute an arrest.

Officers may frisk a subject when facts can be articulated that lead the officer to believe that the subject is armed and a threat to the officer’s safety. If, during a frisk for weapons, the officer feels an object that might be a weapon, the officer may retrieve the item and secure it. If the officer feels an object that is apparently seizureable evidence, the officer has probable cause to seize the item.

If the subject is in a vehicle and the officer can articulate facts leading him/her to believe that the subject is armed and a threat to the officer’s safety, then both the subject and the area of the vehicle in the subject’s immediate control can be frisked for weapons. The ‘car frisk’ is not an exhaustive search, but is a very limited look for weapons only.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers of this agency with guidelines for conducting Vice, Drug and Organized Crime investigations.

II. POLICY

It is the policy of this law enforcement agency that officers will investigate and act upon all known vice, drug, and organized crime activity.

III. DEFINITIONS

**Vice**: Criminal activity that is usually of concern to an entire community and often involves incidents of prostitution, gambling, use and/or sale of alcoholic beverages, use of and/or sale of controlled substances, and sale of obscene or pornographic materials.

**Organized Crime**: Syndicated criminal activity carried out by groups or associations of persons engaged in or promoting such enterprises as theft, fencing, supplying illegal materials or substances, or any offense for profit.

IV. PROCEDURE

A. Organization and Administration

The Criminal Investigations Division will hold primary responsibility for the suppression of vice and drug criminal activity and organized criminal activity.

B. Responsibilities of Criminal Investigations Division Commander

The Criminal Investigations Division Commander will be responsible for coordinating and supervising enforcement activity pertaining to vice, drugs, and organized crime, and will assign officers to investigate incidents or reports of such criminal activity as necessary.

C. Responsibilities of Division Personnel

The responsibilities of Criminal Investigations Division Personnel related to the control of vice, drugs, and organized crime include:

1. Active investigation and enforcement.
2. Vigorous prosecution.
3. Providing information to the Department and to other law enforcement agencies.

D. Areas of Investigative Action

Investigative action will be directed toward four basic areas:

1. Mercenary/predatory criminal activity such as burglary, robbery, fencing of stolen property, and white-collar crime.
2. Vice activity such as illegal gambling operations, illegal sale and distribution of tobacco and alcoholic beverages, prostitution, and pornography.
3. Drug activity such as illegal use of controlled substances, illegal manufacturing of controlled substances, and illegal sale and distribution of controlled substances.
4. Other criminal activity such as loan sharking, firearms violations, and related offenses such as extortion and bribery.

E. Processing Complaints

Any employee of the Department who receives either complaints or information pertaining to vice, drugs, or organized crime activity will forward such information to the Criminal Investigations Division Commander. This information will be assigned to the appropriate officer for further investigation.

The original Incident Report and supplemental information pertaining to active investigations of vice, drugs, and organized crime activity will be securely filed, with limited access to authorized persons only.

Information not necessitating an Incident Report will be recorded and securely filed, with limited access to authorized persons only.

Through the Department's Records Management System, the Criminal Investigations Division Commander will have access to aggregate information on all complaints pertaining to vice, drugs, and organized crime activity. For each complaint, this database will record:

1. The nature of the complaint.
2. The complainant, if known.
3. The assigned detective, if any.
4. Whether the complaint was substantiated.

F. Investigations

The decision to investigate complaints and violations concerning vice, drugs, and organized crime will be based on the following criteria:

1. Validity of the original information.
2. Criminal nature of the complaint or violation.
3. Importance of the problem.
4. Quality of information available.
5. Investigative technique to be employed.
6. Resources necessary to conduct the investigation.
7. Operational problems that exist or may arise.

Investigations related to vice, drugs, and organized crime activity will be conducted to the fullest extent, using applicable investigative practices. Victims and complainants may be notified of the status of a case, unless such notification would compromise investigative efforts.

Reports of activity where no victim is apparent, such as gambling, will be assigned for investigation to determine if further action is warranted. Incidents involving activity where a victim is known will be documented according to departmental directives and investigated appropriately. *(See 2.04 Victim/Witness Assistance)*

Investigative data will be used for legitimate law enforcement purposes only. Investigating officers will submit a report to the CID Commander within 30 days of initial assignment. Following the submission of this report, the case will be reviewed and either a 30 day extension will be granted for additional investigation or the case will be closed.

G. Responsibilities of Commanders

The Criminal Investigations Division Commander, Patrol Commander and Captain will be responsible for communicating information to other personnel within the Department. The dissemination of information will be conducted on a need-to-know basis, and will be accomplished through regular meetings.

The Criminal Investigations Division Commander will be responsible for coordinating operations and investigative efforts pertaining to vice, drugs, and organized crime activity. The Criminal Investigations Division Commander will meet with representatives of other area law enforcement agencies in order to coordinate operations that involve multiple agencies.

Information pertaining to vice, drugs, and organized crime activity forwarded to and received from other law enforcement agencies will be maintained on file by the Criminal Investigations Division Commander. All information derived from an investigation relating to other agencies will be forwarded to that agency as soon as practical, through the chain of command.

The Criminal Investigations Division Commander will submit to the Captain a report on the status of current vice, drug, and organized crime problems, including actions taken to resolve identified problems. This report will be prepared on an annual basis, but does not preclude the submission of additional reports as needed.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers with the guidelines for conducting investigations on habitual felons.

II. POLICY

It is the policy of this law enforcement agency that Officers will identify and deter habitual felons, through a process of early identification and coordination with the District Attorney's Office.

III. DEFINITIONS

**Habitual Felon:** Any person who has been convicted of, or pled guilty to, three felony offenses in any federal or state court in the United States, or combination thereof.

**Felony Offense:** An offense which is a felony under the laws of North Carolina or any other state, wherein a plea of guilty was entered or a conviction was returned, regardless of the sentence imposed; Exceptions for the purposes of this directive include federal offenses relating to the manufacture, possession, sale, and kindred offenses involving intoxicating liquors.

**Pardon:** Exoneration of an offender for a crime he/she has committed.

IV. PROCEDURE

A. Criteria

For the purposes of this directive, the following criteria will apply to defendants being charged under North Carolina General Statute 14-7.1 as a habitual felon:

1. The person must have attained 18 years of age.

2. Felonies committed before a person attains the age of 18 will not constitute more than one felony.

3. The commission of a second felony will not fall within the habitual felon definition unless it is committed after the conviction of or plea of guilty to the first felony.

4. The commission of a third felony will not fall within the habitual felon definition unless it is committed after the conviction of or plea of guilty to the second felony.
5. Pleas of guilty to or convictions of felony offenses prior to July 6, 1967 will not be used to meet the requisite three felonies.

6. Any felony offense to which a pardon has been extended will not constitute a felony.

B. Officer’s and Detective’s Responsibilities

When an officer has reason to believe that a person under investigation meets the requirements for declaration as a habitual felon, he/she must:

1. Notify the Criminal Investigations Division Commander about the investigation.

2. Initiate or request a thorough check of departmental records in order to identify all cases in which the suspect is a party.

3. Complete a records check on the suspect through the National Crime Information Center (NCIC) and attach it to the original report.

4. Complete a records check through the Clerk of Court.

5. If an NCIC inquiry shows one or more felony convictions from other jurisdictions, contact those jurisdictions for copies of the indictment(s) and judgment(s) in order to ensure the appeals process has been exhausted in those cases.

6. After records are obtained substantiating that the suspect is a habitual felon, contact the Assistant District Attorney handling the current case in order to request assistance in case preparation.

C. Criminal Investigations Division Commander’s Responsibilities

The Criminal Investigations Division Commander will:

1. Ensure that the District Attorney’s office has been apprised of the material facts related to the officer’s investigation.

2. Coordinate the activities of the Criminal Investigations Division to ensure that maximum effort is directed toward a successful prosecution of the case.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers of this agency with guidelines for accepting, recording, and investigating the crime of identity theft.

II. 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. Also a tool that terrorist and those who are attempting to evade the law can use to their advantage. Therefore, this police agency 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.

III. DEFINITIONS

Identity Theft: Identity theft is 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.

IV. 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 and state law. [18 U.S.C. § 1028(a)(7)]

2. Identity theft is punishable under state law. North Carolina General Statute 14-133.20 through 14-133.23.

B. Reporting Requirements

All sworn police personnel are authorized to take crime reports on identity theft. Recording all relevant information and data in such reports is essential to further investigation. Therefore, officers and/or supervisors should:

1. 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.
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 addressed 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.
   g) Used as computer fraud.

3. Obtain or verify as appropriate identifying information of the victim to include date of birth, social security number, drivers 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, such as social security number, driver’s license number, birth certificate, credit card numbers and state of issuance, 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

Officers taking reports of identity theft should take those steps reasonably possible to help victims resolve their problem. This includes providing victims with the following suggestions where appropriate.

1. Contact the Federal Trade Commission (FTC) (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.

2. Cancel each credit and charge card and request new cards with new account numbers.

3. 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.

4. 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.

5. 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.

6. Change the locks on your house and cars if there is any indication that these have been copied or otherwise compromised.

D. Investigations

Investigation of identity theft shall include but not be limited to the following actions where appropriate.

1. Review the crime report and conduct any follow-up inquiries of victims or others as appropriate for clarification/expansion of information.

2. Contact the FTC Consumer Sentinel law enforcement network and search the database for investigative leads.

3. Contact other involved or potentially involved law enforcement agencies for collaboration and avoidance of duplication. These agencies include but are not limited to:

   a) 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.
b) 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 and Prevention

Where reasonable and appropriate, officers engaged in public education/information forums, community crime prevention and awareness presentations or similar speaking or information dissemination efforts shall provide the public with information on the nature and prevention of identity theft.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers of this agency with guidelines for investigating reports of missing persons and conducting searches and rescues.

II. POLICY

It is the policy of this law enforcement agency that officers will investigate reports of missing persons to the fullest extent possible, with the intent to quickly locate the victim in the best possible condition.

III. PROCEDURE

A. Response

Missing person reports will be investigated through application of the same procedures established for other incidents. Depending upon the circumstances of an individual situation, additional requirements may be involved.

Reports of missing persons will normally be assigned to patrol officers, unless compelling circumstances indicate the case should be handled initially by the Criminal Investigations Division.

No law enforcement agency shall establish or maintain any policy which requires the observance of any waiting period before accepting a missing person report.

B. Missing Children

The term 'missing child' refers to a person who is younger than 18 years of age and whose whereabouts is unknown to his or her parents, guardian, or responsible party under circumstances that are uncustomary for the child or that would cause reasonable concern. A child who is missing under unusual circumstances will be considered 'at risk' until sufficient information to the contrary is confirmed. (NCGS 14B-1011)

For the purposes of this policy, the term 'unusual circumstances' refers to a missing child who is 13 years of age or younger, or whose disappearance involves circumstances that would cause a reasonable person to conclude that the child should be considered at risk. Those circumstances could include the child being:

1. Out of the zone of safety for his or her age and developmental stage; 'zone of safety' refers to the distance a child could travel from the location where last seen before he or she would most likely be at risk of injury or exploitation based on the child's age, developmental stage, and related matters.
2. Developmentally disabled, emotionally disturbed, or otherwise mentally incapacitated.
3. Medically dependent.
4. Drug involved.
5. A potential victim of foul play or sexual exploitation.
6. In a life-threatening situation.
7. Reported to the police as missing after a delay on the part of the parents, guardians, or other responsible person.
8. Believed to be with adults or older juveniles who could endanger his or her welfare.
9. Absent under circumstances inconsistent with established patterns of behavior.

If a missing child is being reported, the Communications Officer will:

1. Determine if the circumstances of the report meet the definition of a missing child as set forth in this policy.
2. Prioritize the call based on the factors determining ‘unusual circumstances’ and dispatch officers accordingly.
3. Collect essential information from the caller to transmit appropriate radio alerts providing descriptive information about the child, where the child was last seen, and any information concerning potential abductors and their means and direction of travel.
4. If possible, inform the parent or guardian that they should not disturb or tamper with the home, school, or location where the child might have been or any of the child’s belongings.
5. Where possible and appropriate, search agency records for information that may facilitate the search and investigation; These include records that establish whether incidents have been reported in the vicinity that may have some bearing on the case such as: complaints of attempted abductions; residents in the vicinity who are designated as sex offenders; a history of domestic incident calls; criminal history of family members or others at the child’s home address; runaway reports on the child or siblings; and juvenile delinquency reports of the child or siblings.
6. Where unusual circumstances exist, issue a radio alert to all agency personnel, reported the case to the North Carolina Center for Missing Persons, send a DCI message within a fifty mile radius of the Town of Mayodan and, if the specified victim criteria are met, activate the Amber Alert Notification System.

C. Gathering and Recording of Information

The Communications Officer who receives the report of a missing person will collect
appropriate information to assist the responding officer. A minimum of the following initial information will be gathered by the assigned officer and recorded in an Incident Report:

1. Name, residential address, and other individual data.
2. Physical description.
3. Clothing description.
4. Last known location.
5. Probable destination.
6. Vehicle that may be involved.
7. Circumstances that may have contributed to the absence, such as argument, personal pressures, previous absences.
8. Other specific information that could assist in locating the person.

D. Dissemination of Information

Information regarding missing persons will be disseminated as soon as possible to all officers during shift briefings in order that the maximum number of officers possible will be aware of an individual’s absence.

Information will be provided to other law enforcement agencies at the discretion of the investigating officer. Information will be entered and removed from the National Crime Information Center (NCIC) and the DCI network in accordance with established regulations and procedures.

Missing persons will be entered into NCIC/DCI under the following circumstances:

1. When a person of any age is missing.
2. When a person of any age is missing and has a proven physical or mental disability or is senile.
3. In any situation when circumstances indicate the absence is not voluntary.
4. When a person of any age is missing after a catastrophe.
5. When a person of any age is in the company of another person under circumstances indicating that his/her physical safety is in jeopardy.
6. When a child is missing; in addition, children will be reported to the North Carolina Center for Missing Persons, a DCI message will be sent statewide and, if the specified victim criteria are met, the Amber Alert Notification System will be activated.
7. When an elderly person is missing; in addition, elderly people will be reported to the North Carolina Center for Missing Persons, a DCI message will be sent
statewide and, if the specified victim criteria are met, the Silver Alert Notification System will be activated.

E. Follow Up Investigations

Due to the potential for harm to individuals classified as missing, investigators will contact the reporting person within 24 hours. Any subsequent contacts will be made at the officer’s discretion, dependent upon the circumstances surrounding the individual’s absence, investigative leads, and other variables unique to the particular situation.

The primary investigator will ensure that a telephone number and other contact information is provided to the reporting person in order that they may report additional information or receive information concerning the status of the case.

Reporting persons should be informed by the initial responding officer and during all follow-up contacts that they should advise the Department at the earliest possible opportunity if the missing person returns or if other information comes to their attention.

Any and all investigative processes performed by any officer shall be documented in the supplements sections of the incident report.

F. Search Options

Upon verification by an officer at the scene that a missing person is a child, elderly person, mental patient, or other individual in need of prompt location, the officer will immediately advise the on-duty supervisor. The supervisor will:

1. Determine if additional officers should be dispatched to the scene in order to conduct a physical search.
2. Determine if other personnel, special equipment, or other agencies are needed for assistance in conducting the search.
3. Unless relieved by higher authority, be responsible for the search operation and the coordination of all personnel and agencies involved and will determine when to halt the operation.

If the person is located during the search, the locating officer will transport the individual to his/her home, to a medical facility, or to the Police Department, depending upon the circumstances surrounding the situation.

G. Extended Search

The search and rescue of lost or missing persons requires the development of operational plans if the situation meets the following criteria:

1. The search will involve more than four officers at any time.
2. The search will be longer than two hours in duration.
3. The search will involve two or more agencies or departments within Town government.

H. Operational Plan

Once the determination has been made that a search and rescue mission is warranted, a specific plan will be developed by the Incident Commander or Division Commander. At a minimum, the plan will provide for the following:

1. Designation of the command officer to serve as Incident Commander.

2. Coordination of operations within the Department and with outside agencies by the Incident Commander; Outside agencies may include the Rockingham County Sheriff’s Office, North Carolina State Highway Patrol, Mayodan Fire Department, Rockingham County Emergency Medical Services, Rockingham County Public Safety, and other Town departments.

3. The use of any special operational components, such as the Rockingham County Emergency Response Team, or request for a K-9 unit from another agency.

4. The mapping of any travel or search routes required.


6. Applicable procedures for coordination among departmental units and outside agencies, including radio communication procedures.

7. Logistical requirements including the number of officers and other personnel needed and use of special equipment.

I. AMBER Alert System

1. Purpose

The purpose of this directive is to establish guidelines and procedures for activation of the AMBER Alert System.

2. Introduction

In June 2003, the State of North Carolina adopted the AMBER Alert System. This notification system replaced the North Carolina Child Alert Notification (NC CAN) System. AMBER stands for America’s Missing Broadcast Emergency Response.

This system allows law enforcement to very quickly notify the public of an abducted/endangered child through multiple sources.

3. Statutory Requirements

North Carolina General Statute 143B-1021 establishes the criteria for activation of the AMBER Alert System. This statute states in part:

a) “There is established within the North Carolina Center for Missing
Persons the AMBER Alert System. The purpose of AMBER Alert is to provide a statewide system for the rapid dissemination of information regarding abducted children.

The AMBER Alert System shall make every effort to disseminate information on missing children as quickly as possible when the following criteria are met:

1) The child is 17 years or younger;

2) 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;

3) The child is believed:
   (a) To have been abducted, or
   (b) To be in danger of injury or death;

4) The child is not a runaway or voluntarily missing; and

5) The abduction has been reported to and investigated by a law enforcement agency.”

4. Initial Law Enforcement Responsibilities

The initial investigating officer, with assistance from the Communications Officer and on-duty supervisor, will:

a) Determine that the statutory criteria have been met;

b) Contact a Criminal Investigations Division Commander, or if necessary, the Chief of Police for approval to request activation of an AMBER Alert;

c) Complete the initial incident report;

d) If approval is granted, have the parent or legal guardian sign the North Carolina AMBER Alert Release of Information Form. This step should be done at the time of the initial report, though the reporting person should be informed that the Department will ultimately have to receive authorization from the NC Center for Missing Persons to activate the AMBER Alert;

e) Before an AMBER Alert can be sent, the child must be entered into NCIC as endangered/missing using the appropriate code in the entry field. This creates the NIC Number which is a mandatory field for an AMBER Alert entry;

f) Once the record is entered, a separate transaction/entry must be made using the AMBER Alert notification screen. An Authorization Code must be obtained from the North Carolina Center for Missing Persons before
sending an Amber Alert Message. The Authorization Code is obtained by calling 1-800-522-5437 and advising the NC Center for Missing Persons of the qualifying case information;

g) This NCIC entry also notifies the National Center for Missing and Exploited Children, however the Department must also call the National Center at 1-800-THE LOST (843-5678) to file an “Intake Report”;

h) Use the AMBER Alert Transaction form available through DCI to disseminate the identity and description of child and abductor, the time and location of abduction and the direction of travel. This AMBER Alert message is automatically transmitted statewide to all law enforcement agencies.

i) For additional help or assistance with AMBER Alert entries, DCI provides a “Help” feature on-line.

5. Additional Law Enforcement Responsibilities

Once an AMBER Alert is issued, the requesting law enforcement agency must:

a) Insure there is a 24-hour phone number which is attended;

b) Continue an on-going investigation. Normally a Criminal Detective will conduct the follow-up investigation.

6. Supervisor Responsibilities

The on-duty supervisor will insure that the following steps are completed:

a) Insure the Information for Broadcast Announcement is completed and fax this form to the NC Center for Missing Persons at 1-919-715-1682. The Center will then coordinate the notification of the media outlets.

b) Transmit by Internet or absent that capability, by fax or personal delivery, a recent and true photographic image of the victim and, if possible, the abductor.

7. Role of the Public

Participation of the public is essential. It is anticipated that public’s response will be expedient and ambitious with the broadcast of AMBER data through Dynamic Message Signs and television and radio broadcast reports. Cell phones enable the traveling public to offer tips spontaneously and directly to the investigating agency; therefore, it is incumbent that law enforcement agencies prepare to handle the influx of calls.

8. Cancellation of an AMBER Alert

Once the child has been located and is no longer in danger, a de-activation code must be obtained from the NC Center for Missing Persons by calling 1-800-522-5437. The AMBER Alert can then be canceled by using the XNAA transaction
form through DCI. This transaction notifies the National Center for Missing and Exploited Persons and also notifies law enforcement statewide to discontinue the AMBER Alert.

Though the NC Center for Missing Persons is responsible for notifying the proper media outlets when an AMBER case is activated and de-activated, the Department may also contact local media outlets as well with the AMBER Alert information. If the Department contacts the local media when the AMBER Alert situation first occurs, then the Department should re-contact those media outlets again once the child has been located so the broadcast alerts can be discontinued.

J. SILVER Alert Program

1. Introduction

To help protect an increasing population of individuals that suffer from dementia or other cognitive impairment, North Carolina developed the Silver Alert program to quickly locate missing persons who may be endangered.

The Silver Alert program was designed to quickly disseminate descriptive information about the missing person, so that citizens in the affected area can be on the lookout for the endangered person and notify local law enforcement with any relevant information. The program is a cooperative effort among local and state law enforcement and the N.C. Center for Missing Persons, with voluntary participation by radio and television broadcasters and the N.C. Department of Transportation.

Specific health information about the missing person is not publicized through the alert, or otherwise, in order to protect the missing from potential abuse, harm or exploitation.

Although a few other states have implemented similar programs to locate missing endangered adults, the Silver Alert program is unique to North Carolina and only one of three designed to help cognitively impaired persons. The North Carolina General Assembly formally established the program in 2007 by General Statute § 143B-1022; it is operated through the N.C. Center for Missing Persons.

2. Criteria

ALL of the following statutory criteria must be met before the N.C. Center for Missing Persons will activate a Silver Alert:

a) The person is believed to be suffering from dementia or other cognitive impairment- regardless of age.

b) The person is believed to be missing – regardless of circumstance .

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.

The North Carolina Center for Missing Persons is the only agency that can activate a Silver Alert and will do so ONLY at the request of an investigating law enforcement agency. It is then the responsibility of the center to determine whether there is sufficient identifying data to justify a Silver Alert activation.

3. Procedures

a) Step 1: Local Law Enforcement Investigates

When a family member or caregiver calls local law enforcement to report their missing loved one, the law enforcement agency must first investigate the case and determine if the criteria warrant a request for a Silver Alert. According to North Carolina law, a Silver Alert can only be issued if all of the criteria listed above is met.

b) Step 2: Local Law Enforcement Calls NC Center for Missing Persons

After completing the investigation and determining the case meets the qualifying criteria, law enforcement will call the NC Center for Missing Persons, an agency within the Department of Crime Control and Public Safety, to request a Silver Alert. The law enforcement agency will send completed Silver Alert forms to the center outlining the necessary information about the missing person.

c) Step 3: NC Missing Persons Center Issues Silver Alert

The center and investigating law enforcement agency work together to notify the surrounding community about the missing person.

4. Law Enforcement Responsibilities

Enter information into the National Criminal Information Center system.

a) Initiate a statewide “be on the lookout” bulletin to all appropriate law enforcement agencies.

b) Provide a 24-hour phone number to receive calls during the investigation.

b) Activate phone calls in the immediate area using a type of reverse 911 calling system. Using the A Child is Missing program, law enforcement can notify 1,000 businesses and/or residents each minute.

d) Notify the National Center for Missing & Exploited Children, if the person is 21 or younger.

5. NC Center for Missing Persons Responsibilities
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a) Update information on the department's web site.
b) Notify the local media about the missing person, including pictures when possible.
c) Request the NCDOT to activate highway message signs, if appropriate.

Once the missing person has been located, the local law enforcement agency will notify the NC Center of Missing Persons, who will cancel the Silver Alert.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers of this agency with guidelines for investigating computer crimes.

II. POLICY

It is the policy of this law enforcement agency that officers will investigate reports of computer related crimes by utilizing all available state and federal assistance programs to ensure proper collection and preservation of evidence.

III. INTRODUCTION

Investigation of almost any crime may ultimately involve computer-related evidence. First responding officers or investigators may continue to investigate most aspects of these crimes. However, analyzing computer systems for criminal evidence is a highly technical process requiring expert skills and a properly controlled environment.

Because of this, officers should not move or remove computer devices until it can be done safely and securely by a trained professional. The North Carolina State Bureau of Investigations and the Federal Bureau of Investigations have specialized Cyber Crime Units that can assist in these type of cases.

IV. DEFINITIONS

Investigations involving computers or other electronic devices involve the use of technical jargon. The following common terms may be encountered during the initial or follow-up investigation of computer-related crimes. A basic definition is provided to assist investigators in communicating with victims, suspects, or witnesses:

**Network**: Two or more computers that are somehow connected to share resources. Networks may be large, such as the Internet, or very small, such as a home network.

**Server**: A server is a computer that provides some service for other computers connected to it via a network. Any computer, including a laptop, can be configured as a server. A server provides shared resources such as e-mail, file storage, Web page services, and print services for a network.

**IP Address**: Internet Protocol Address. A numeric address assigned to a networked computer, which uniquely identifies that individual computer. Currently, the IP Address is in a format consisting of four segments, with each...
ISP: Internet Service Provider. A company that provides a connection to the Internet for an individual computer user. Examples are America Online (AOL), AT&T, Time Warner, etc.

Instant Messaging or IM: A service that allows live “chat” sessions between computer users. Examples of programs that provide this service are AOL Instant Messenger, Yahoo! Messaging, IRC, or MSN Messenger. IM sessions are not usually recorded, and therefore are not usually available for court order requests.

Email: Text messages sent between computer users. These are not “live” communications, and the term should not be used in place of Instant Messaging. Emails are usually stored on some computer, and can be retrieved with a court order or search warrant.

Email Header: The first section of an email message that documents the path the message made through the network. The header is, by default, not shown by most email programs. However, the program can be made to show the header. The header may show the IP of the originating computer and is instrumental in determining the sender of a message.

Hard Drive: A physical device that stores information for a computer. Stored information is in a semi-permanent state. Most hard drives are within the computer’s case (internal), but some may be external. Some computers may have more than one hard drive. Computer forensics is performed on the hard drive of a computer, making it the focus of a physical seizure.

V. PROCEDURE
A. Search and Seizure

Computers or other electronic devices may contain evidence of a crime. As such, they may be seized as physical evidence. The general requirements for the seizure of computers or other electronic devices are the same for other types of physical evidence. Other specific considerations for computer-related investigations follow:

1. Search Warrants

The Cyber Crimes Unit can provide templates for computer-related search warrants or court orders to assist investigators. Generally, a court order is all that is required for subscriber information on ISP or email accounts. However, a search warrant is usually required for email content. The detective to whom a case is assigned will be responsible for securing any necessary search warrants. If a search warrant is required for the seizure of a computer, the following guidelines should be observed:

   a) In order for a Computer System, its peripherals and storage media to be seized and searched, one or more of the following must be supported by the probable cause statement in the search warrant:
1) The computer itself is contraband, evidence, or an instrumentality or fruit of a crime, or

2) The computer is a storage device for evidence of a crime.

b) If prior knowledge exists that a computer falls into one of the above described categories, then the computer, along with facts justifying seizure and forensic analysis, should be included in the original search warrant intended to gain entry into the house or building in which the computer is maintained. The computer can then be seized and later searched. In this case, a separate search warrant is required in order for a computer forensic exam to be completed.

c) If no search warrant exists, and officers are otherwise lawfully inside a structure and subsequently develop probable cause that a computer might be evidence, they should isolate the computer and obtain a search warrant for the computer. Once a search warrant is obtained, the computer may be seized and searched as long as the search warrant justifies both the seizure and the search of the computer.

d) Upon a return of service for a search warrant on a computer, the officer can simply record the computer's physical identification (model, serial number, etc.) and “digital evidence” (for anything that is subsequently retrieved from the analysis of the hard drive) on the inventory. A listing of files that the examiner subsequently recovers from the hard drive is not necessary on the search warrant’s inventory.

e) Special care should be used when applying for a search warrant on a computer that may be used in legitimate publishing (authors, columnists, etc.). These are usually protected items that cannot be seized. Officers should check with the District Attorney’s office if they have any questions.

f) If during the actual forensic examination of a computer system, the examiner encounters evidence of a new crime not covered by the original search warrant, it is essential that analysis stop immediately and a supplemental search warrant be obtained to expand the scope of the search to include the newly discovered crimes.

2. Consent Searches

Written consent to seize and search a computer is acceptable in an employer/employee situation. For example, an employer may grant the Police Department consent to search its employees' computer(s) if that computer is owned by the employer.

Should this type of situation arise, written consent by the employer is required prior to searching any computer or computer equipment. Oral consent alone is not sufficient.

Computer searches shall be made in the investigating agencies computer forensics lab, if at all possible. On scene examinations should not be completed
except in certain situations and then only by properly trained Cyber Crimes personnel. The person granting consent should understand that their computer may be retained by the Department for a period of time in order to properly examine it.

Should a situation arise in which a suspect or victim provides consent to seize and search a computer, the following guidelines apply:

a) Written consent is required. Oral consent alone is not sufficient.

b) Consent search forms that are specifically designed for computer consent searches are available from the Cyber Crimes Unit. A standard consent search form should not be used for this purpose.

B. Collection of Evidence

The search scene should be secured for the officer’s physical safety. Computers or other electronic devices are to be considered as evidence and treated the same as any other crime scene items such as fingerprints, blood or weapons. The following guidelines should be observed:

1. Suspect(s) must not be allowed to remain near any computers. A single keystroke could launch a program that would permanently destroy digital evidence. In addition, some computers can be controlled through remote devices, such as a wireless mouse. Therefore, suspects should not be allowed to retain any electronic devices during the search.

2. Under no circumstances should officers turn on, boot up or attempt to conduct their own search of the contents of a suspect computer. Turning a computer “on” can alter hundreds of digital files, and possibly destroy digital evidence.

3. In addition to written documentation, photographs should be made of the computer’s original state, especially the cabling in the rear of the computer. If the computer is “on”, a photograph should be taken of the monitor’s screen before it is powered down.

4. If a member of the Cyber Crimes Unit is not available to assist in the seizure of the computer, the hardware should be photographed both front and back and the power plug should be pulled from the back of the computer, not the wall outlet. Interrupting power in this manner prevents the initialization of programs that may destroy data. It also prevents certain temporary files from being deleted.

5. If a computer remains “on” after pulling the power cord (usually due to an internal power source), the officer should push the computer’s power button and hold it in for about six to eight seconds. This should power off the computer, regardless of internal power sources.

6. Once power to the computer has been interrupted, the officer should record the serial numbers of the computer, monitor, printer, scanner, and other auxiliary devices that may be attached to the computer.
7. When seizing a computer system, it may be necessary/appropriate to seize all attached and wirelessly accessible components, including the monitor, keyboard, mouse and power cables, as well as any other attached peripherals should be seized. When available, software installation media and any paper documentation for hardware or software should be seized as well.

8. Some computers may have unique devices used to read or store data. Examples are tape drives, ZIP drives and external hard drives. If these devices exist, they should be seized (including any cables or connectors) in addition to the computer case.

9. Computers may contain physical evidence in addition to digital evidence. If fingerprints, DNA, etc. are a concern in an investigation, then the appropriate accessories should also be collected for physical processing.

10. When collecting the computer, officers should be sure to look closely in the immediate area for additional information or evidence. Frequently, user names, passwords, and hardware security devices can be found hidden under keyboards, or otherwise stored near the computer.

11. The internal components of computers are fragile. Computers and evidence within them can be damaged by physical trauma, static electricity, magnets, and moisture. Care should be taken to avoid exposing the computer evidence to these hazards during collection, transportation, and storage.

12. Occasionally, other electronic storage devices may be seized for evidence. These devices may be mobile telephones, “palm” computers, pagers, etc. When these devices are seized, any associated power cords or docking accessories should be seized. If a laptop computer is seized, its power cord should always be collected.

13. When seizing a laptop computer, remove the battery first then disconnect the power supply. This ensures complete disconnection of all power sources to the laptop. It is important that the power cord always be collected. Power supplies are often proprietary to the manufacturer and may be required to access the laptop for further analysis.

14. When seizing a PDA (Personal Digital Assistant), such as a Palm or Pocket PC device, be aware that they store information in “RAM” type memory—-if the battery dies data can be lost. Be sure to seize the charger and docking cradle and the battery should remain charged until forensic analysis is complete.

15. Once the computer and/or other devices have been seized, each item should be properly labeled. The officer seizing the computer and computer related equipment will make arrangements with an evidence control technician for the storage of the evidence.

C. Investigation

1. Physical Data Examination

   After collecting computer evidence, an investigator will usually require a forensic
exam on the recovered digital media. This can be accomplished by the Cyber Crimes Unit. A “Request for Computer Examination” form should be completed and submitted to the SBI or FBI.

Generally, the examination technique used by the Cyber Crimes Unit is a two-step process. This process involves imaging the Original Digital Evidence, then reviewing/analyzing the Duplicate Digital Evidence.

During the imaging process, an exact bit-for-bit copy is made of the suspect’s digital media. Investigators should understand that this imaging process may be a matter of hours, or days, depending on the size of the media involved and the type of imaging performed. The forensic examination is then completed on the imaged copy of the suspect’s media. Different techniques are used to obtain pertinent evidence from the image of the suspect’s media.

However, the forensic examiner is usually not the assigned case investigator. For this reason, the examiner will only have the case details that are provided on the “Request for Computer Examination” form. Therefore, it is important that the case investigator provide relevant case information on this form. After imaging, Original Digital Evidence will be returned to Department’s evidence room as soon as practical. Duplicate Digital Evidence created in the forensic lab will be secured and stored with the investigating officer.

2. Interviews

During suspect or victim interviews, it is important for officers to obtain and document certain technical information to aid in the successful resolution of a computer crime-related case. Some examples follow:

a) Instant messaging usernames.

b) Email accounts.

c) Internet Service Providers.

d) Encryption software type and file passwords, if applicable.

e) Physical description of computer (Desktop, laptop, etc.).

f) Operating system (Windows, Linux, Mac, etc.).

Officers should determine whether anyone else had access to the computer (children, spouses, etc.). If a victim has an email message that needs to be collected for a police report, the victim should be instructed to not delete the email. If the victim is local and has the technical knowledge to do so, the original extended header information should be included with the printed email. If the victim does not have the technical knowledge, or is reporting the crime over the telephone, he or she should be asked to await instructions from a member of the Criminal Investigations Division.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers of this agency with guidelines for using personally assigned vehicles.

II. POLICY

It is the policy of this law enforcement agency to provide take home vehicles to sworn personnel that are required to be on call and respond to incidents from their residence.

III. INTRODUCTION

To qualify for a take home vehicle, an officer must be employed for more than one year and be in position that requires the officer to be on call for active duty. This is an added responsibility to the officer and must not be abused.

Therefore, the Chief of Police will investigate any circumstance wherein an officer is deemed to have been neglectful or abusive in the use of his/her assigned vehicle and take administrative action, including removing the officer from the take home vehicle program, should the investigation reveal a violation of this policy.

IV. PROCEDURE

A. General Requirements

1. At any time that an officer is operating the vehicle, the officer must:
   a) Log on duty with the Communications Center prior to operating vehicle.
   b) Be armed with an agency approved firearm.
   c) Maintain radio contact with the Communications Center by having a police radio on at all times.
   d) Provide aid to disabled motorists.
   e) Have proper identification.
   f) Have necessary report forms and a citation book.
   g) Have other necessary equipment, such as handcuffs and a flashlight.
   h) Drive the vehicle in a safe manner, obey all traffic and parking laws.
   i) Radio the Communication Center and take immediate action concerning any incident that requires immediate attention.
2. Passengers in police vehicles are authorized pursuant to the following:
   a) The passenger is a sworn law enforcement officer.
   b) The passenger that is being transported is an employee of the Town.
   c) The passenger is being transported for law enforcement purposes.
   d) The passenger is in police custody.
   e) Passengers must wear the provided safety restraint device.
   g) Passengers are not allowed to operate the assigned vehicle.

B. Personal Use of Vehicle

   Personal use of any vehicle is prohibited, unless authorized by the Chief of Police. Using personally assigned vehicles for personal use or gain is unethical and may be illegal under certain circumstances.

C. Officer Responsibilities

   1. Vehicle Inspections
      a) The immediate supervisor of the officer assigned to the take home vehicle shall conduct the vehicle inspection as deemed necessary.
      b) An officer assigned to a vehicle shall be responsible for keeping it clean, inside and out.
      c) Failure to maintain vehicle appearance as required shall result in the officer’s removal from the program, and/or disciplinary action.

   2. Vehicle Maintenance
      a) An officer assigned a take home vehicle shall be responsible for its maintenance and care. An officer must ensure that the proper levels of oil, water, fuel and tire inflation’s are maintained and the battery system and special equipment is operable.
      b) Should an officer become aware of needed maintenance to a vehicle, he/she shall make arrangements to have the vehicle repaired as per policy.
      c) Non-original equipment shall not be installed in, or attached to, any vehicle unless authorized by the Chief of Police.
      d) Departmental issued equipment, such as a shotgun, shall be removed from any vehicle that is left anywhere for maintenance.

   3. Accidents
      a) Any time that an officer is involved in a traffic accident while operating a vehicle, he/she must immediately report the accident to the Department.
b) Should an officer be involved in an accident within another jurisdiction, a vehicle accident report must be made within that jurisdiction, reported to the Department and the immediate supervisor as soon as possible.

4. Other Restrictions

a) Take home vehicle shall not be used for towing another vehicle.

b) Take home vehicles shall not be used for jump starting another vehicle, unless in an emergency situation and then only after all the radio and auxiliary equipment has been turned off.

c) Take home vehicles shall not be utilized by any officer whose ability is impaired due to taking any medication which would impair his/her ability to operate a vehicle safely.

d) Take home vehicles shall not be utilized by any officer under the influence of alcohol or illegal drugs.

e) Unattached equipment should not be left inside the vehicle when it is parked overnight or for extended periods.

f) Take home vehicles should not be left parked on the street at the assigned officer’s residence if there is another place that the vehicle can be parked, such as a driveway or garage.

g) Take home vehicles shall be left at the Department when the assigned officer is out of Town on vacation, or is on leave for an extended period. For purposes of the policy, extended period is defined as a period of time that is more than seven (7) days.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers of this agency with guidelines for recognizing instances and accepting reports of child abuse and neglect, and coordinating the investigation of such cases with appropriate child protective service agencies, and prosecuting attorney’s offices.

II. POLICY

Child abuse and neglect has been traditionally regarded as the principle responsibility of child protective services and social welfare agencies. However, research has demonstrated that a large percentage of repeat offenses, many of which involve serious injury or death, involve known offenders. It is the position and policy of this law enforcement agency that effective response to child maltreatment requires cooperative and coordinated efforts between social welfare and law enforcement agencies, and further, that under certain circumstances, arrest and criminal prosecution is an appropriate and preferred approach to the problem from a preventive standpoint. Therefore, all reports of child abuse and neglect shall be thoroughly investigated in accordance with this policy and appropriate measures taken consistent with state law that will best protect the interests of the child.

III. DEFINITION

**Child Abuse:** Any situation in which parents, guardians or other responsible adults have inflicted physical assaults upon a child, to include sexual abuse; when the child has been exploited for sexual purposes such as through prostitution or pornography; has been subjected to reckless endangerment that has or would likely cause physical harm; or, has been subjected to emotional assault such as close, sustained confinement.

**Child Neglect:** Any situation in which parents, guardians, or other responsible adults have failed to provide for the essential physical needs of the child to include food, clothing and shelter and that caused or would likely cause serious physical injury, sickness or disability; failure to provide essential medical care necessary to treat or prevent serious physical injury, illness or emotional disability; or failure to provide needed emotional nurturing and stimulation that has or could likely cause emotional injury over time.

**Abandonment:** Leaving a child alone or in the care of another under circumstances that demonstrate an intentional abdication of parental responsibility.

IV. PROCEDURES

A. Reporting/Initial Complaint Response
State law requires that instances or suspected instances of child abuse or neglect be reported by public and private officials such as physicians, dentists, school employees, clergymen and others. Officers shall record and respond to all reports of child abuse, neglect and abandonment irrespective of the source or method of reporting.

1. A preliminary interview will be conducted with the reporting individual, when known, to determine the basis for the report, to include determination of such factors as:

   a) The physical condition of the child.

   b) A description of the abusive or neglectful behavior.

   c) Evidence of parental disabilities such as alcoholism, drug abuse, mental illness or other factors that demonstrate or suggest their inability to care for the child.

   d) Description of suspicious injuries or conditions.

   e) The nature of any statements made by the child concerning parental maltreatment.

   f) Any evidence of parental indifference or inattention to the child’s physical or emotional needs.

2. When the source of the report cannot be identified and/or time is not of the essence, a report of the complaint shall be made to the state child protective authority as prescribed by law. Where reasonable suspicion exists for further investigation, a coordinated investigative effort should be undertaken with the child protection authority.

3. Immediate action shall be taken by officers when:

   a) The complaint warrants arrest or criminal prosecution.

   b) Child protective personnel are not available and time is of the essence.

   c) The child is in danger and child protective personnel cannot enter the home.

   d) The suspected perpetrator may flee.

   e) Police presence is required to maintain order or to protect the safety of child protection officers.

   f) When the child must be taken into protective custody against parental wishes.

4. The preferred means of removing a child from the home is by court order. However, in cases of abandonment, severe abuse or neglect where the child is in imminent danger of death or serious bodily harm and time is of the essence, an officer shall, in compliance with state law, remove the child from the home for
purposes of protective custody. The assistance of child welfare authority officers should be sought if available in a timely manner. Parental permission should also be sought but is not required in order to remove the child under emergency circumstances.

5. In cases where protective custody is warranted and time permits, the state child protection agency shall be notified and a court order for protective custody shall be sought prior to the child’s removal.

B. Background Investigation

Investigating complaints of child abuse generally requires contact with several sources of information depending upon the nature of the complaint and the scope of abuse. In all but emergency situations, the following sources of information should normally be contacted prior to interviewing the family and/or the child.

1. An inquiry should be made to determine whether a court protective order is in force with regard to the child or other members of the family. A criminal records check should also be performed on the suspect.

2. Medical personnel, including family practitioners, emergency room staff and medical examiners, often acquire information that confirms or suggests abuse. Certain types of injuries are particularly characteristic of physical abuse and are most incriminating when they do not correlate with parental explanations of how they occurred. They include:

   a) "Pattern" injuries that may be linked to specific objects used in an attack such as hot irons, coat hangers, fingertip marks caused by tight gripping; straight, curved or curvilinear or jagged lesions indicating whipping; bite marks; and scald or peculiar burn marks.

   b) Injuries to specific body parts such as the genitals, buttocks or rectum as well as trauma to the torso, upper arms and thighs in the absence of other common injuries commonly suffered by children in play accidents such as skinned knees, elbows, and forehead.

   c) Signs of old injuries to various parts of the body in different stages of healing, particularly those that are not common to childhood.

   d) Bone fractures of small children and related injuries that are inconsistent with the child's level of maturity and risk of injury, such as spiral fractures (suggesting vigorous shaking), fractures to the rear and upper skull (suggesting blows to the head), subdural hematomas without scalp contusions (suggesting violent shaking with resultant head whiplash), and fractures of long bones and joints that are suggestive of violent pulling, twisting or jerking of the extremities.

   e) A history, pattern or extent of injury that does not correlate with the alleged cause of death or means of injury.

   f) Inordinate delay in seeking medical attention, evidence of administration
of home remedies for relatively serious injuries, history of prior visits to
different emergency rooms, frequent changes of physicians and prior
diagnosis of “failure to thrive”.

g) At autopsy, the presence of old injuries or other internal injuries that were
not detectable through external examination.

3. Social welfare officers may also provide considerable insight into situations of
suspected child abuse as many abusive families have had prior contact with local
support agencies. These agencies may provide information on family background,
employment, economic and domestic stability and previous contacts with child
protective service agencies.

4. School teachers may also provide some insight into cases of suspected child abuse
through records of the child's attendance, grades, demeanor, socialization,
motivation and perceived emotional stability. Several behavioral indicators are
suggestive of child abuse, including:
a) Recurrent injuries or complaints of parental physical mistreatment.
b) Marked changes in the child's behavior or level of achievement.
c) Strong antagonism toward authority.
d) Exaggerated reactions to being touched.
e) Withdrawal from peers, or assaultive or confrontational behavior.
f) Delinquent acts, running away from home or truancy.
g) Refusal to dress for physical education or dressing inappropriately.

5. The foregoing indicators may also be used when interviewing neighbors or any
other individuals who may have personal knowledge of the family situation.

C. Family Interview

Based on information generated in the background investigation, reasonable suspicion
may exist to conduct an interview with the family and the child.

1. If there is reason to believe that charges may be filed against the parents or others,
interviews should be conducted at the law enforcement agency and prior contact,
when appropriate, should have been made with the prosecutor's office.

2. A child protective service officer should participate with the investigator in the
interview.

3. The interview should be conducted in a non-accusatory, informal, fact-finding
manner, and questions should be presented in an open ended format to allow
parents or others complete latitude in responding.

4. In determining whether to accept a parent's explanation, officers should consider
the following questions. Findings consistent with those in parentheses may
indicate a greater likelihood of abuse.

a) Is it reasonable to believe that the child's injuries were self-inflicted or accidental given the child's maturity, manual dexterity and ability to walk or stand? (No)

b) Was the parent’s story consistent with other evidence? (No)

c) Do parents claim ignorance of critical details of the incident? (Yes)

d) Does the home appear to be clean and well maintained? (No)

e) Does the family live a socially isolated environment without the support of neighbors, friends or family? (Yes)

f) Do the parents appear to support one another in a positive home environment? (No)

g) Does there appear to be frequent or ongoing crises in the family? (Yes)

h) Does the child in question appear to be regarded by the parent(s) in a negative light? (Yes)

5. Some parents may explain or excuse the incident as a legitimate attempt to discipline the child. However, in order to be reasonable and acceptable, the discipline should:

a) Be appropriate to the misbehavior involved but never involve serious bodily injury.

b) Be consistent with the child's ability to understand its relevance to acts in question.

c) Be administered with prudence and caution rather than recklessly, brutally or without sufficient regard for the child's power of endurance.

D. Interviewing Children

Officers conducting interviews with children in suspected child abuse cases should be familiar with and follow this agency's policy on interviewing children. In addition, they should be familiar with the following special issues that arise when conducting these interviews in cases of suspected child abuse:

1. Children should be interviewed separately from their parents.

2. Repeated interviews with the child should be avoided whenever possible. Joint interviews with the child protective worker or prosecutor, for example, may help minimize the trauma of these sessions.

3. Avoid questions that can be answered with a “yes” or “no” response. Use open-ended questions whenever possible.

4. Anatomically correct dolls should be used whenever available to trained
investigators.

5. Sit with the child rather than across a table. Conduct the interview in a casual and nonthreatening manner.

6. Do not lead the child or suggest answers, probe or pressure the child for answers, or express concern, shock or disbelief in response to answers.

7. Reassure the child that he/she is not to blame and is not in trouble for what happened or for being asked questions.

E. Physical Evidence Collecting physical evidence to document abuse is very important for prosecuting these cases. In this regard, officers should be aware of the following:

1. Color photographs of injuries should be taken and preserved for evidentiary purposes. They may be taken by medical personnel or by a same-sex officer of this agency. All injuries should be described in writing and diagrammed.

2. X-rays should be taken if appropriate, and any that have been taken should be collected and preserved.

3. Photographs of home conditions bearing on the child's maltreatment should be taken.

4. Any instruments that were used in the physical attack should be identified and preserved as well as any clothing that bears evidence such as blood or semen stains.

5. Any other items that have bearing on the abuse or neglect, such as guns, knives, drugs, poisons or related items in possession of the suspected perpetrator, should be identified and collected.

F. Training

This Training Officer shall be responsible for ensuring that officers and investigators receive necessary training to effectively implement this policy.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers of this agency with guidelines for conducting preliminary investigations of deceased persons.

II. POLICY

Reported deaths of persons, other than those under the immediate care of a physician at a hospital or similar health care facility, shall be responded to by officers of this department for investigation and for purposes of providing basic assistance to survivors. It is the responsibility of responding officers in cooperation with homicide investigators, emergency medical responders, physicians, and the medical examiner to establish the manner of death whether naturally, by accident, suicide, homicide, or unknown causes. In so doing, officers shall approach the investigation of any death that is not attended by a physician in a health care setting as a potential homicide, regardless of how it is reported, and shall follow procedures as detailed in this policy to assist in determining the cause and manner of death.

III. PROCEDURES

A. Initial Response

Deceased persons or persons near death may be encountered in response to a wide variety of calls for service. Officers who encounter such situations shall, in order of importance, based on the circumstances, perform the following:

1. Identify and arrest any perpetrator(s) if present.

2. Ensure officer safety and the safety of others by safeguarding any weapons at the scene.

3. Administer emergency first aid if necessary and/or summon emergency medical personnel.

   a) Death can only be determined in an official capacity by a physician. However, in cases involving unmistakable evidence of death, such as the presence of lividity or rigor mortis, emergency medical personnel need not be summoned.

   b) If the officer determines that the person is dead, the factors surrounding that determination shall be entered into the officer’s report.

   c) Officers shall resolve any doubt concerning the life or death of a subject by summoning appropriate medical assistance.

4. Where emergency medical personnel are on the scene or have been summoned,
provide such personnel with as much latitude as possible to deliver emergency medical services notwithstanding officers’ responsibility to protect the crime or incident scene.

5. Isolate and protect the crime scene from any intrusion by non-essential personnel including officers not directly involved in the crime scene investigation.

6. Notify communications of the circumstances and request the response of a supervisor and any additional personnel as needed. If the death is perceived to be a homicide or potential homicide or the result of accident or suicide, an investigative officer shall also be summoned, and the watch commander notified.

7. Observe and note pertinent circumstances at the scene.
   a) Record the nature of any physical modifications to the crime scene as the result of intervention by emergency medical personnel or others.
   b) Record in a crime scene log the identity of any persons who were present at or who entered the crime scene.
   c) Identify witnesses and record basic information regarding the event. Ask witnesses to remain, if possible. If not possible, determine their identity and how they can be contacted by investigators.
   d) Identify and ensure that any suspects do not leave. Responding officers may conduct basic, preliminary questioning of a suspect or witness, but should normally defer interviews to investigators.

8. Ascertain if the deceased was under a physician’s care for a potentially life-threatening health problem, and note the name, telephone number, and address of the physician.

9. In deaths apparently resulting from natural causes, determine, to the degree possible, the deceased’s physical condition before death.

10. Do not release any information concerning the deceased to the press or the public without agency authorization and until next-of-kin have been notified as established by policy of this agency.

B. Supervisor Responsibilities

1. General Considerations

   A supervisory officer shall respond to any reported death that is not attended by a physician in a health care setting. Responsibilities of the supervisory officer include but are not necessarily limited to the following:

   a) Verify that appropriate requests have been made for assistance by crime scene technicians, homicide investigators, and command personnel and request any additional personnel to protect the crime scene or conduct the investigation as necessary.
b) Receive a verbal report from initial responding officers regarding pertinent conditions at the scene upon their arrival, circumstances surrounding the death, the presence of witnesses and/or suspects, disposition of the body, and related details.

c) Ensure completion of preliminary information collection and the protection and integrity of the crime or incident scene.

2. Death by Natural Causes

a) The deceased's body may be released to a mortuary the next of kin have chosen if the following conditions are met:

1) There are no indications of foul play, accident, or suicide; and

2) The deceased was under the on-going care of a physician for a life-threatening disease or illness; and

3) The physician upon contact agrees to sign a death certificate.

b) Under the foregoing circumstances, the coroner's office and homicide investigators need not be summoned.

c) If the attending physician cannot be reached or cannot/will not sign a death certificate in the above situation, the coroner's office and homicide investigators shall be notified and shall make a determination regarding the disposition of the body.

d) Bodies shall not be moved unless located in a spot that is deemed untenable, such as in open view of the public, and only under conditions noted in item B.2.a. above that do not require a police investigation or coroner’s response.

1) Emergency medical personnel or funeral home attendants may be requested to move bodies when necessary and permitted.

2) In all other cases, bodies may be covered but may not be moved without approval of the coroner or homicide investigators.

3. Death by Other Than Natural Causes

a) In all cases of death other than those due to natural causes where the death will be certified by an attending physician, the coroner's office shall be notified.

b) In any case in which there is doubt concerning the cause of death, the coroner's office and criminal investigators shall be notified and shall be responsible for conducting an investigation of the death.

c) In cases of death by accident, suicide, homicide, or undetermined causes, the supervisor shall coordinate with homicide investigators and the coroner's office in protecting the scene and conducting a preliminary investigation.
C. Assistance to Survivors

Providing basic support and crisis assistance to survivors is the responsibility of both responding officers and investigators. The nature of such assistance must be dictated by the circumstances, but officers should use the following as a guide in these instances:

1. Officers should not leave the scene of a death where survivors are present until reasonably assured that the survivors have adequate personal control and/or family or close friends readily available to provide support. In gauging the need for assistance, officers shall also consider the following:

   a) The emotional reactions and physical condition of the survivors.
   b) Availability of other adults in the home or immediate area.
   c) Responsibility of the survivors for infants or small children.
   d) Home environment, if apparent, such as evidence of excessive alcohol use or drug use, lack of means of financial support, shortage of food, problem with shelter, etc.
   e) Availability of a support system, such as including friends, family, close neighbors, access to clergy, means of transportation, etc.

2. Officers should remain alert to the need of survivors for emergency medical assistance, for example, in cases of physical or emotional collapse or related problems.

3. Officers should be aware of confusion on the part of survivors. They should speak slowly and deliberately, and write down any pertinent information that survivors may need. This may include such matters as the following:

   a) Disposing of the body.
   b) Locating personal effects.
   c) Meeting identification requirements/procedures.
   d) Providing notifying officers’ names, agency, and telephone numbers.

4. Officers should assess the physical and emotional well-being of survivors before departing. Officers should be reasonably assured that survivors can take care of themselves and those for whom they may be responsible. In addition to concerns noted in item C-1 above, officers should be able to answer “yes” to the following types of questions:

   a) Are the survivor(s) thinking clearly? That is, do individuals:
      1) Seem aware of your presence?
2) Have some grasp of time and space?

3) Demonstrate a progressive ability to express himself/herself?

4) Begin to demonstrate some grasp of the reality of the death?

b) Do the survivors have reasonable control over emotions, or do they display shock (no apparent emotion), furious hostility, or the desire to commit suicide?

c) Can survivors cope physically? For example, has a survivor fainted, displayed debilitating weakness, or emotional collapse, and do survivors have an adequate support system that can be relied upon?

5. Officers should not leave a lone survivor unattended until all reasonable efforts have been made to garner first-hand support from the survivor's family, friends, co-workers, neighbors, family, clergy, crisis counselors, or other community social service agency.

6. Officers shall refer to and follow procedures provided by this agency for the notification of next of kin.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers of this agency with guidelines and procedures for the electronic recording of custodial interrogations and confessions. Reference to interrogations is used solely in this policy for the sake of convenience. The policy and procedures govern both interrogations and confessions.

II. POLICY

It is the policy of this law enforcement agency to electronically record specific custodial interrogations and confessions in order to provide an evidentiary record of statements made by suspects of major crimes. Such electronic recordings can help protect both the suspect(s) and interviewing officers against potential assertions of police coercion or related interrogation misconduct, and may increase the likelihood of successful prosecution.

III. DEFINITIONS

**Major Crimes:** Homicide, sexual assault, armed robbery, and other Part I crimes as defined in the Federal Bureau of Investigation (FBI) Uniform Crime Reports (UCRs), as well as other crimes as may be defined by the Department, whether committed by adults or by juveniles who could be charged as adults for such offenses.

**Place of Detention:** A police station, jail, or similar holding facility in which suspects may be detained in connection with criminal charges. A police vehicle used to transport arrestees may be deemed a custodial environment but is not a place of detention as defined in this policy. Nevertheless, during transportation of suspects who meet the requirements for electronic recording, transporting officers shall observe applicable procedures defined in this policy.

**Electronic Recording:** An audio or video recording whether using magnetic tape, digital means, or other recording media.

IV. PROCEDURES

A. General Requirements

1. Officers shall electronically record custodial interrogations conducted in a place of detention involving major crimes as defined by this Department.

2. Officers are not required to record noncustodial interviews with suspects,
witnesses, or victims during the initial interview phase of an investigation but may do so where deemed necessary, in accordance with law and Departmental policy.

3. Electronic recording of juveniles shall be conducted if at the time the crime was committed, the juvenile suspect could be charged with a major crime as an adult.

4. If electronic recordings cannot be conducted due to equipment failure, lack of suspect cooperation, or for other reasons deemed pertinent to successful interrogation by the case manager, the basis for such occurrences shall be documented. This includes but is not limited to spontaneous declarations or other statements not elicited by police questioning.

5. Transporting officers need not refrain from questioning a suspect who has indicated a willingness to talk either at the scene or en route to the place of detention. However, officers shall not purposefully engage in custodial interrogations involving major crimes as defined by this policy in order to avoid this Department’s requirement for electronic recording.

B. Recording Protocol

1. Suspects do not have to be informed that they are being recorded unless required by law.

2. The office of the prosecutor, the investigative case manager, or other authorized department official may direct that specific interrogations be recorded that do not meet the criteria of major crimes as defined by departmental policy.

3. The primary interrogator shall, where possible, obtain a signed waiver from the suspect before beginning interrogation. If the suspect elects not to be recorded or refuses to engage in the interrogation, the suspect’s rejection shall be recorded when reasonably possible.

4. Interrogations and confessions shall be recorded in their entirety starting with the interrogator’s entrance into the interview room and concluding upon departure of the interrogator and suspect.

5. When commencing the recording, the primary interrogator shall ensure that voice identification is made of officers, suspect, and any others present, and that the date, time, and location of the interrogation is verbally recorded. When beginning a new recording, the interviewer shall announce the date and time that the interrogation is being resumed.

6. An authorized member of the department shall be assigned to monitor recording time to ensure the recording does not run out. Each recording shall include the following:
   a) Declaration of the time the recording began.
   b) Declaration of the start of the interrogation.
   c) Concurrence by the suspect that the interrogation has begun.
d) Administration of *Miranda* warnings, even if the recording is a follow up to a prior interview or the suspect has been previously *Mirandized*.

e) Notation of the time the interrogation ends.

7. Any lapse in the recording for comfort breaks or other reasons shall be accounted for on the recording. As an alternative, during a short recess, the recording may continue without interruption.

8. Recording attorney-client conversations is prohibited where an expectation of privacy would reasonably exist.

9. At the conclusion of the interrogation, the interrogator shall state that the interrogation is concluded and note the date and time of termination. The recording shall continue until all parties have left the interrogation room.

10. Recordings of interviews are considered evidence and shall be handled as such. In addition, the following shall apply:

   a) Unused recording media shall always be used for interrogations.

   b) Both the original and copies of all recording media shall be protected from re-recording.

   c) Only one interrogation shall be recorded on each recording media.

   d) Before submitting the original recording to a secure evidence storage area a copy of the recording shall be made. Copies shall be maintained in the investigative unit.

   e) The identifying information items supplied on the recording label shall be completed and the recording marked either as an *original* or a *copy*.

   f) The reporting detective’s follow-up report shall note if and how the interview was recorded.

11. All recordings shall be governed by this Department’s policy and procedures for the handling and preservation of evidence.

12. Recordings shall be retained by the Department in secure storage for a period of time as defined by state law or the office of the prosecutor.
I. PURPOSE

This policy sets forth a procedure outlining the collection, processing, and preservation of DNA evidence and reference samples. It establishes training protocols for the handling of DNA evidence and reference samples and applies to all members of the Department who collect, process and/or possess evidence or reference samples in the performance of their duties.

II. POLICY

It is the policy of the Mayodan Police Department to establish a procedure for the collection, processing and preservation of DNA evidence, while maintaining the professional integrity of the Department and the constitutional rights of the citizens whom we serve.

III. DEFINITIONS

**Buccal Swab**: A sample of cells gathered from the inside surface of an individual’s cheeks.

**DNA**: Deoxyribonucleic acid is a molecule carrying genetic information which when properly analyzed may identify the individual from whom it came.

**DNA Evidence**: A swab sampling or object from a crime scene which an officer reasonably believes contains DNA material that may connect a suspect to a criminal incident.

**Local Offender DNA Index System**: Database compiled and managed by a Department approved DNA testing provider containing samples obtained by the Department.

**Known Reference Sample**: A 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 taken from victims, witnesses, suspects, etc.

**Presumed Known Reference Sample**: Samples collected from an item that was observed to have been in the possession of an individual and discarded in the sight of the officer collecting the item or a sample taken from an individual who has no confirmable identity for comparison.

IV. PROCEDURES

A. DNA Administrator
The Administrator will be responsible for the administrative handling of reference and evidentiary samples. The administrator will assess the samples submitted to determine their likelihood of producing a DNA profile. The administrator will catalog and/or send samples to the laboratory for analysis taking current crime trends and budgetary issues into consideration. When a "hit" or match is returned through the DNA database Client Interface, the administrator will then assign the case to the appropriate investigating officer or detective.

B. Training

Initial Training will be provided to personnel who will be collecting or processing swabs for submission. The training will encompass this policy, nomenclature of equipment, collection techniques, and storage requirements ensuring the best documentation, processing, preservation and storage. Properly trained personnel under established protocol certify the authenticity of the collected data. New officers will receive training as part of their FTO orientation. Refresher training will be administered as necessary in accordance with any changes in the law, equipment, techniques and/or procedures.

C. General DNA Collection Guidelines

Care should be taken when collecting, packaging and transporting DNA samples and evidence:

1. **Minimize Contamination:** Contamination is defined as the accidental transfer of DNA (commonly referred to as cross-contamination). This transfer could be DNA from one item of evidence to another or of DNA from the officer to the evidence. Officers collecting DNA will always wear disposable gloves when collecting evidence, 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. Items of evidentiary value should be handled as little as possible to prevent contamination and to prevent the potential loss of touch DNA evidence. Officers/DNA collectors should avoid talking, coughing, or sneezing in the vicinity of evidence to be processed.

2. **Packaging:** Plastic should never be used to package DNA samples and/or evidence as DNA evidence must be allowed to breathe. Clean and dry manila envelopes, brown paper bags or cardboard boxes should be used to package samples/evidence. When dealing with larger immovable objects of evidentiary value, officers should use swabs for the collection method. Each evidentiary item must be packaged separately. Each item should be placed in a separate envelope or container to avoid transfer of biological fluid from one item to the next.

3. **Transporting:** Biological evidence is sensitive to such environmental factors as sunlight, heat, moisture from humidity, burning or mixture with soils. The collectors/evidence handlers must minimize exposure to these elements. The better the conditions in which the evidence/samples are maintained, the more likely a DNA profile will be obtained. Evidence must be properly sealed and maintained. Failure to do so may result in evidence not being accepted by the lab. Officers will not leave samples and/or evidence in the trunk of a hot vehicle.
patrol vehicle for extended periods of time. Officers should make every attempt to transport the sample back to headquarters as soon as possible.

D. Collection of Reference Samples

Authorized collection of reference samples may occur, but is not limited to, the following:

1. **Consent**: An individual consents to providing 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 giving the buccal swab specifically for DNA purposes. Consensual swabs may be collected from victims, witnesses, etc. for elimination purposes. The 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.

2. **Abandonment**: 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 on a disposed drink container, or discarded cigarette butt. The officer collecting the DNA must have a reasonable suspicion that the person has committed a particular crime in order to seize the abandoned materials. Random collections 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.

3. A person compelled by a court order/search warrant to provide a sample as per the order or warrant: 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 court order for the purposes of collecting a DNA profile. The District Attorney’s Office **MUST** approve all search warrants and/or court orders.

4. When requesting a sample for elimination purposes from a juvenile victim or witness, an interested adult must be present. Officers must speak with the parent(s) or interested adult and explain the reason for the sample being taken. If the juvenile is a suspect, parental consent is required prior to swabbing the juvenile for a sample or court ordered Non-Testimonial Order.

E. Procedures For Collecting DNA Reference Swabs (Non-Custody)

The preferred method of collection for a reference sample is to use the buccal swab method from the person or by swabbing the surface of an object upon which the DNA has been deposited with sterile supplies provided by the Department. However, officers may package and send an object that they can verify was in the subject’s possession and has the potential to have the subject’s DNA on it. The officer who actually obtained consent, observed the person in possession of the collected abandoned evidence or secured the surreptitious sample **MUST** place their name on the DNA reference submission item.
Samples should be packaged according to the following procedures:

1. The officer’s name must be placed upon the package to document that he is the officer who collected the sample. This must be followed, regardless of who the investigating officer is.

2. Reference swabs must be placed back into the original sterile packaging.

3. Complete in full detail the label on the appropriate (5” x 7 ½”) white packaging envelopes. As entry into the database is strictly regulated, complete and accurate source details should be provided in the appropriate areas. 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 may not be accepted.

4. Officers shall record the manner in which the individual was positively identified on the submission package.

5. Where consent was obtained to procure the sample, write “CONSENT” and have the consenting subject sign the back of the envelope where appropriate.

6. Place the swab in the envelope and close using the adhesive red evidence strip provided. Initial and date the tape and along the edge of the seal, allowing for the initials and date to contact both the red tape and envelope surfaces. A Receipt for Evidence/Property Form is required for DNA collections.

7. Place the packaged sample in the appropriately marked metal storage bin.

8. Reference samples taken in the form of objects will be dried and packaged as per established evidence handling procedures. If the object does not fit in the marked storage bin, place the sample in an evidence storage locker or the Department’s secured storage facility.

F. Samples From Arrestees

Collection of DNA Samples from Adult and Juvenile Arrestees:

Signed consent forms must be obtained for the collection of a DNA sample from arrestees, including juveniles, being charged with felony, misdemeanor and summary offense(s). Juvenile samples will require parental consent prior to swabbing. Consent must be knowing and voluntary. If an arrestee and/or parent refuses to sign their name to the envelope acknowledging their consent, the sample will not be collected.

Procedures for collecting swabs from arrestee:

1. Collecting swabs from arrestees will enhance the value of our database and increase the probability of obtaining a match to DNA evidence previously obtained.

2. It is the responsibility of the arresting officer to collect the DNA reference swab from his prisoners/arrestees. The arresting officer or assisting officer must wear latex gloves, and take care not to contaminate the outside of the latex gloves during this process.

3. The collecting officer will obtain consent from the arrestee, or parent if a juvenile, having the arrestee/parent read and sign the consent form. Once
consent has been obtained, the collecting officer is responsible for the collection of the arrestee’s DNA swab and filling out the label completely, recording the incident number on the label. When practical, the collecting officer will have the arrestee obtain their own oral swab ensuring no cross contamination takes place. The officer will then properly package the DNA reference swab and place it in the DNA reference swab envelope for submission as outlined by this policy.

G. DNA Crime Scene Evidence Processing and Packaging Guidelines for the Collection of DNA Evidence for Processing

Officers will use the following guidelines for locating the best evidence:

1. Assess the scene, balance latent print option vs. swabbing evidence surfaces for DNA. Look for surfaces that will likely result in yielding DNA profiles by abrading skin cells or from bodily fluids. For DNA, focus on body fluids (blood, semen) that may have been left by the suspect at the crime scene that tend to produce DNA profiles.

2. DNA profiles may also 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, food products should be submitted, not swabbed).

3. Use swabs to collect DNA evidence at crime scenes where crimes against persons and property such as burglaries, thefts, criminal mischief have been committed. The DNA Administrator will determine which samples will to be sent for analysis after analyzing which swabs will most likely yield a DNA profile.

4. In constructive possession cases, including drugs, paraphernalia, and weapons cases, collect one swab per item in an effort to establish the identity of the subject(s) who had previously possessed the swabbed contraband items.

5. Evidence envelopes must be sealed with the evidence tape provided. The evidence label will be filled out completely, particularly describing the evidence so that lab can assess these submissions.

H. Procedures for collection of DNA Evidence

DNA evidence, including swabbing, is to be collected and packaged following the same procedures as for other types of evidence. An incident number will be placed on all packaging.

1. Collection will be completed using gloved hands to avoid contamination or cross-contamination.

2. The preferred method of collecting evidence samples for DNA processing by the lab is to use the swab method. In both circumstances, the swab must be allowed to dry completely.
   a. Wet samples: use a dry sterile swab to collect the wet material.
   b. Dry samples: use a wet sterile swab using the sterile water provided by the Department to wet the dry material before swabbing.
3. A swab tube box shall be used for the collection of bodily fluids (blood, semen) by swab. Place the swab used for the collection in the box, closing the end flaps. Place only one swab per box. The incident number, collecting officer's name and badge number, date and time shall be placed on the side of the box. If more than one sample is being submitted in the collection, the item number must be placed on the box.

4. Complete the label on the white (5” x 7½”) and write a description of the collection on the packaging envelope. Mark the DNA Triage Score as High (for blood, semen, saliva, hair shaft with root), Medium (for skin cells, contact DNA) or Low (for Urine, feces, hair shaft (w/out a root)). These degrees indicate the probability of getting a DNA profile from the submitted swab/item. Provide a complete and detailed description when completing the Offense and Evidence Categories and when describing the evidence for DNA lab personnel. PACKAGE ONLY ONE SAMPLE PER ENVELOPE.

5. Seal the envelope using the evidence tape provided. Initial and date the tape and along the edges, allowing for the initials and date to contact both the tape and envelope surfaces. Complete a property receipt and attach. DO NOT LICK THE ENVELOPE SEAL.

6. For all bodily fluid samples/evidence (blood, semen, urine, feces, etc) place a Biohazard sticker on the envelope prior to submission.

7. Deposit the envelope and receipt into the temporary evidence lockers.

8. Objects other than swabs collected for DNA testing are to be completely dried prior to packaging, and properly packed as any other evidence, including the use of evidence tape. Moisture affects the collection and analysis of evidence for DNA processing. ONLY PAPER PACKAGING SHOULD BE USED (such as sturdy envelopes, brown paper evidence bags, or cardboard boxes). DO NOT USE PLASTIC TO PACKAGE EVIDENCE to be submitted for DNA testing. Clearly mark the packaging with the words “DNA EVIDENCE,” complete a property receipt, indicating which items are being submitted for DNA analysis and place into the temporary evidence storage.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers of this agency with the operational and safety procedures used by Officers of the Department, and other authorized personnel, during in-service firearms training and other related courses of live and/or practice firearms training at any site designated as the department’s firing range.

II. POLICY

It is the policy of this law enforcement agency that Officers will be required to practice safety and follow specific guidelines when conducting Firearms Range Operations.

III. INTRODUCTION

A. Subject to the following rules, it shall be the policy of the Department to conduct proper range operations, with due respect to the range, the areas in close proximity to the range and department members or authorized personnel who participate in live and/or practice firearms training.

B. Officers and authorized personnel participating at a designated firing range are subject to a safety briefing before being allowed onto any property used by the department for the purpose of conducting firearms training.

C. Officers and authorized personnel are required to acknowledge their acceptance of the Department’s operational and safety procedures before any courses of fire are conducted at the Department’s designated firearms training facility. The participant, student, officer or authorized person must be given a notice in writing of the Department’s policy concerning range operations and firearms safety prior to entry into the department’s firearms facility. Each participant, student, officer or authorized person must sign an acknowledgment letter before using the range.

D. The Range Master is the responsible authority regarding any and all matters concerning the range, personnel participating at the range, or any other problem that may arise during live and/or practice firearms training. It is the department’s policy that the Range Master be the highest Ranking Official at the firearms range during range operations. The Chief of Police may designate himself or another member to supervise any training conducted by a member of this department.

IV. PROCEDURE

A. Safety
Officers of the department and authorized personnel participating at the Department’s designated firearms training facility are subject to all the safety rules and regulations set forth by this policy. Any violation of this policy will result in disciplinary action at the request of the Range Master, but at the discretion of the Chief of Police or his designee.

1. Sworn officers of this Department and authorized personnel shall treat every weapon as if it were loaded, regardless of their previous knowledge that a weapon has been properly secured and/or unloaded, either by himself/herself or another responsible/trained instructor, Safety Officer or supervisor.

2. Sworn officers of this Department and authorized personnel shall always keep their weapon pointed in a safe direction at all times, unless so ordered or instructed to do so by a qualified instructor for the purposes of training, but never when said weapon contains live rounds or ammunition. Secured and/or unloaded weapons must be tagged appropriately to ensure such weapon is safe for training.

3. Sworn officers of this Department and authorized personnel shall be aware of their target while conducting range operations during live and/or practice courses of fire. Furthermore, each officer or authorized person shall be aware of what is in close proximity to their target and what is beyond it as well.

4. Sworn officers of this Department and authorized personnel shall consciously be aware of their weapon safety. One key element to firearms safety is “MUZZLE CONTROL”. Officers and authorized personnel shall be reminded that if the muzzle of a weapon is pointed in a safe direction, then they are less likely to inflict serious, unintentional injury to another person.

5. Sworn officers of this Department and authorized personnel shall obey any and all requests or demands made by the Range Master, designated Safety Officer(s) or any other member so designated to instruct officers, students, or participants on proper weapon safety and range operations.

6. No officer or authorized personnel shall be allowed to participate in any live and/or practice courses of fire without the proper approved equipment, subject to inspection by the Range Master, Chief of Police or his designee.

B. Safety Equipment

1. No officer or authorized person shall be allowed to participate in live fire exercises without wearing approved earmuffs, earplugs or other noise dampening devices designed to filter excessively loud ammunition explosions, which may cause temporary or permanent hearing loss.

2. No officer or authorized person shall be allowed to participate in live fire exercises without wearing approved safety glasses, goggles or other protective eye wear designed to withstand the ballistic impact of ammunition fragments or shrapnel caused by the bullet’s return impact on a hard or solid surface.

3. Sworn officers of this Department and authorized personnel shall be required to
wear a billed ball cap during live fire exercises. This is to avoid accidental burning of the face, head, neck and eyes caused by ejected shell casings.

4. Sworn officers of this Department and authorized personnel shall be required to wear an approved bullet-proof vest during any and all live fire training at the Department’s designated firearms training facility, unless the officer or authorized person has permission excluding him/her from such requirement, from the Range Master, Chief of Police or his designee.

5. Sworn officers of this Department and authorized personnel shall be required to wash his/her hands after any live and/or practice firearms training. Hand washing equipment will be located at the Department’s designated firearms training facility.

6. No officer will be allowed to carry and/or qualify with a personal handgun, unless the officer has permission to do so by the Chief of Police, his designee or the Range Master. Any weapon is subject to inspection and may be rejected as an off-duty or back-up weapon.

7. All officers are reminded of the necessity of frequent firearms inspections and safety checks. Individual officers are charged with the responsibility of maintaining a clean and fully functional weapon at all times.

8. The Firearms Instructor, Range Master, Chief of Police or his designee must approve all targets, weapons, ammunition and duty gear to be used on the range prior to the beginning of any training exercise.

C. Range Safety

1. Before a live fire exercise is conducted, the Range Master and his designee(s) are required to check beyond the backstop to ensure that no one is down range prior to the beginning of the training.

2. While on the range, specifically the firing line, sworn officers of this department and authorized personnel are to be alert for directions and range commands. Furthermore, they are to do only what they are directed to do so by the Range Master, Safety Officer(s) or other designated firearms instructor.

3. No officers or authorized person will be allowed to fire any weapon on the range other than from the firing points provided by the Range Master.

4. No officer or authorized person will be allowed to fire any weapon on the range without proper supervision by the Range Master or his designee.

5. Any member, participant, student or officer firing on the range must comply with all the rules and regulations pertaining to firearms safety and the operational procedures of the range.

6. All weapons must be unloaded before entering the range.

7. While on the range, strict discipline must be maintained at all times to ensure the safety of others. Carelessness and “horseplay” will not be tolerated. Any officer,
student, participant, or authorized person will be subject to disciplinary action by the Chief of Police in accordance with the recommendations of the Range Master.

8. Sworn officers of this Department and authorized personnel shall physically inspect their weapon to ensure that they are unloaded and secured. It is the responsibility of the Range Master or Safety Officer(s) to check each weapon to verify properly secured weapons. Anyone receiving a weapon from another individual should check the weapon by opening the cylinder or action and physically checking the firearm to ensure that it is unloaded.

9. Sworn officers of this Department and authorized personnel shall inspect their weapon if the weapon was dropped or damaged before attempting to load ammunition into the magazine well. Always check the barrel of the weapon for obstructions.

10. Sworn officers of this Department and authorized personnel shall load their weapons under the direct instruction of the Range Master. Loading and unloading of weapons must be done at the designated firing points and never without supervision.

11. When handling a weapon, sworn officers of this Department and authorized personnel shall always keep the barrel of their weapon pointed in a safe direction, usually down range, at all times.

D. Range Operations

1. Procedures

a) Range operations are to be conducted under the supervision of the Range Master. The Range Master shall appoint a Safety Officer to assist him/her during any live and/or practice firearms training.

b) Upon receiving a safety briefing, each officer, participant, student or authorized person will be given the appropriate ammunition to complete each course of fire. No other ammunition should be held by anyone participating in training exercises at the range.

c) Any loading, unloading, firing, changing of firing positions or weapon handling shall be done only on the command of the Range Master or designated Safety Officer.

d) If any officer, participant, student or authorized person experiences a problem during a course of fire, they are to raise their non-shooting hand, during day-time firing, or by voice or flashlight during night-time firing.

e) If an officer, participant, student or authorized person drops a weapon during any course of fire, the participant shall not retrieve the weapon. The participant shall raise his/her hand or use a flashlight to get the attention of the Range Master or the Safety Officer.
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f) At each firing line, the Range Master will instruct the officer, participant, student, or authorized person on the proper course of fire. The Range Master will repeat his command several times to ensure each participant understands the order correctly.

g) During each course of fire, talking will be limited to the Safety Officer and the Range Master. If a participant has a question, follow the procedures previously addressed in this policy.

2. Range Master/Firearms Instructor
   a) The Range Master and/or Firearms Instructor shall be the member or person responsible for any and all firearms related training, either at the range or in the designated training facility.
   b) The Range Master and/or Firearms Instructor shall be responsible for the safety of all officers, participants, students or authorized persons, either at the range or in the designated training facility.
   c) The Range Master and/or Firearms Instructor shall appoint a member, certified instructor, or other qualified person to act and function as a Safety Officer during any firearms training class, seminar, or other firearms related course of fire.
   d) The Range Master and/or Firearms Instructor shall ensure that all necessary equipment is at the range for the designated course to be fired. These items are subject to approval and purchased by the Chief of Police or his designee.
   e) The Range Master and/or Firearms Instructor shall teach firearms fundamentals, tactics, nomenclature and other related topics, evaluate fundamentals, set up the range for each designated course of fire, call the course(s) of fire, evaluate targets, identify problems, offer solutions to shooting deficiencies, grade targets, complete required firearms documentation, and coordinate training and teach in-service training.

3. Safety Officer
   a) The Safety Officer shall be appointed by the Range Master, Firearms Instructor or the Chief of Police. Their appointment shall be an assistant position only. The Safety Officer can instruct an officer, student, participant, or authorized person if qualified to do so, either by the State or the Chief of Police.
   b) The Safety Officer shall assist the Range Master and/or Firearms Instructor in assuring proper gun handling, firearms qualification, scoring of targets, range preparation, and student evaluations.
   c) The Safety Officer will position himself in the parking area of the designated firearms training facility prior to the start of any range operations to assist officers, students, participants, or authorized persons.
to a designated safe area the firearms training facility. The Safety Officer will ensure that all weapons are unloaded and no ammunition is either in a weapon or on the officer, student, participant, or authorized person training at the designated firearms training facility.

d) The Safety Officer shall issue any ammunition needed for the course(s) of fire and administer the ammunition at the direction of the Range Master/Firearms Instructor or the Chief of Police.

e) The Safety Officer shall eliminate any and all casual observers or bystanders at the range, regardless of their location to a live fire exercise area, unless the observer or bystander has authorization from the Range Master/Firearms Instructor, the Chief of Police or his designee.

f) The Safety Officer shall observe his/her group of officers, students, participants, or authorized persons to detect any errors in marksmanship or safety related issues to include but not limited to, grip, stance, position, or any safety violations.

g) The Safety Officer shall insure the safe clearing of malfunctions within his/her assigned group of officers, students, participants, or authorized persons. If the Safety Officer experiences any problems that he/she cannot resolve, the Safety Officer should stop ongoing activities and request further assistance from the Range Master and/or Firearms Instructor.

h) The Safety Officer shall offer individual competent instruction to officers, students, participants, or authorized persons within his/her assigned group, but only if the Safety Officer has received the proper training to deliver such instruction.

i) The Safety Officer shall have the ability and authority to detect any safety violations and to order an immediate cease fire on the firing line.

j) The Safety Officer shall be knowledgeable in the duties of the Range Master and/or Firearms Instructor in order to provide immediate assistance or support to the Range Master, if so requested, to continue the firearms training. The Safety Officer need not be a certified Firearms Instructor to assist the Range Master or Firearms Instructor; however, he/she should not act above their level of training.

k) The Safety Officer shall position himself/herself one (1) to three (3) yards to the rear of his/her group of officers, students, participants, or authorized persons during the course of fire, but always in front of the Range Master/Firearms Instructor.

l) The Safety Officer shall check the entire range before anyone is allowed onto the range and open the range by stating aloud, “This range is now open for live fire.” This statement should be made as ear to the perimeters of the range as possible, in each direction, to alert everyone in the immediate listening area.
4. Qualification Requirements

12 NCAC 09E .0106

ANNUAL IN-SERVICE FIREARMS QUALIFICATION SPECIFICATIONS

a) All certified law enforcement officers shall qualify for both day and night use with their individual and department-approved service handgun(s) at least once each calendar year. For the purpose of this specification, service handgun shall include any semi-automatic pistol or revolver. In addition to the requirements specified in Rule 09E .0105 of this Subchapter, the course of fire shall not be less stringent than the ‘Basic Training - Law Enforcement Officers’ course requirements for firearms qualification.

b) All certified law enforcement officers who are issued or authorized to use a shotgun, rifle or automatic weapon shall qualify with each weapon respectively at least once each calendar year.

c) The qualifications required by Paragraphs (a) and (b) of this Rule shall be completed with duty equipment and duty ammunition or ballistic equivalent ammunition to include lead-free ammunition that meets the same point of aim, point of impact, and felt recoil of the duty ammunition, for all weapons.

d) All certified law enforcement officers who are authorized to carry an off-duty handgun(s) shall qualify with each such handgun consistent with the specifications as outlined in Rules .0105(1) and .0106(a) and (g) of this Section.

e) To satisfy the training requirements for all in-service firearms qualifications, an officer shall attain at least 70 percent accuracy with each weapon.

NOTE: Officers are required to exceed State mandated standards. Officer of the Department shall attain at least 80 percent accuracy with each weapon.

f) The qualifications required by Paragraphs (a) and (b) of this Rule must be achieved at least once in a single day in no more than three attempts in a single day for each course of fire and for each weapon for which qualification is required. Individuals not qualifying in a single day for each course of fire or for a certain weapon for which qualification is required shall be deemed as having failed and 12 NCAC 09E .0103(4) and (5) shall apply.

g) The In-Service Firearms Qualification Manual as published by the North Carolina Justice Academy shall be applied as a guide for conducting the annual in-service firearms qualification.

5. Restrictions

Mayodan Police Department (Section III: Standard Operating Guidelines)
a) No officer or authorized person shall be allowed to use or possess any controlled substances, impairing substances or alcoholic beverages while at the Department’s designated firearms training facility.

b) No officer or authorized person shall be allowed to use any tobacco product inside the department’s designated firearms facility or while on the range.

c) No officer or authorized person shall be allowed to possess any beverage or consumable food products inside the department’s designated firearms training facility, unless authorized to do so by the Range Master, the Chief of Police or his designee.

d) Officers and authorized personnel should avoid making derogatory remarks, obscene jesters or using profanity towards any member or participant while at the Department’s designated firing facility in accordance with the Department’s General Rules.

e) No officer or authorized person shall be allowed to possess or bring animals to the department’s designated firearms training facility, unless the officer or authorized person has permission from the Range Master, Chief of Police or his designee.

f) No officer or authorized person shall be allowed to wear any unapproved clothing, at the discretion of the Chief of Police, his designee, or the Range Master, while participating in live and/or practice firearms training, at the Department’s designated firearms training facility.

E. Storage Of Firearms

Officers will maintain control of all issued firearms at all times. While off duty, officers will store firearms securely at home.

No firearm should be routinely left or stored in an officer’s personal vehicle without the expressed permission of the Chief of Police. Any loss of property through officer negligence will become the liability of the individual officer who may be required to pay the replacement cost of items lost or stolen.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers with the guidelines governing the possession and carrying of concealed weapons while on or off duty and outside the territorial jurisdiction of the Department.

II. POLICY

It is the policy of this law enforcement agency that Officers and Qualified Retired Officers are authorized to carry concealed either their service weapon or authorized personal weapon, while off duty and outside their jurisdiction, any place in the State of North Carolina pursuant to N. C. G. S. 14-269 (b) or any State or Political Subdivision thereof pursuant to H. R. 218, “The Law Enforcement Officers’ Safety Act of 2004”, codified as Public Law No. 108-277.

III. INTRODUCTION

Police combat violent criminals every day, in every corner of the nation. These brave law enforcement professionals are issued firearms in recognition of the grave risks associated with this duty. Through training and experience, stepping in to save a citizen in distress often becomes second nature, on the job or off. There are countless incidents where off-duty and retired officers put themselves in jeopardy to save lives and stop violent crimes.

Law Enforcement Officers are entrusted with the public safety day-in and day-out, some with over 20 years of service wearing a badge. In this age of terrorism, America has never faced a greater need to have more watchful eyes on the street; people with the skills, training and equipment necessary to stop a developing situation before it becomes a disaster.

IV. DEFINITIONS

A. Qualified Law Enforcement Officer: An employee of a governmental agency who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest.

B. Qualified Retired Law Enforcement Officer: An individual who retired in good standing from service with a public agency as a law enforcement officer, other than for reason of mental instability. Before such retirement, the former officer must have been authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest. Additionally, before retirement the officer must have been
regularly employed as a law enforcement officer for an aggregate fifteen (15) years or
more, or retired from service with the agency, after completing any applicable
probationary period of such service due to a service connected disability, as
determined by the agency.

C. **Authorized Weapon:** Any weapon or handgun in which a Qualified or Qualified
Retired Law Enforcement Officer is authorized by the Department to carry on or off
duty using the same standards required by the State for annual In-Service Firearms
Training.

V. **PROCEDURES**

A. **Statutory Requirements**

1. Pursuant to Firearms In-Service re-qualification requirements of the North
   Carolina Criminal Justice Education and Training Standards Commission, an
   officer must qualify with ALL weapons that they carry off duty using the same
   standards required for a duty weapons, unless the officer has a Concealed Carry
   Permit pursuant to N. C. G. S. 14-415.

   **NOTE:** The Department requires the Firearms In-Service re-qualification
   requirements of the NCCJETSC; therefore, all weapons carried concealed
   pursuant to this policy, whether on or off duty, must be approved by the
   Department. Any member action outside this restriction is in violation of
   this policy and may be subject to criminal, civil and disciplinary action.

2. If a Qualified Sworn Law Enforcement Officer elects to obtain a Concealed Carry
   Permit pursuant to N. C. G. S. 14-415.10, et. seq., the officer may not be required to
   complete the training course as required by N. C. G. S. 14-415.12(a)(4). This
   applies to all sworn officers who are:

   a) Employed by a local, State or company police agency in North Carolina
      and are authorized by the agency to carry a handgun in the course of duty.

   b) The individual is not the subject of disciplinary action by the agency that
      prevents the carrying a handgun.

   c) The individual meets the requirements established by the agency
      regarding handguns.

3. This exemption from the safety class requirement also applies to “Qualified
   Retired Sworn Law Enforcement Officers,” further defined as “an individual who
   retired from service as a Law Enforcement Officer with a local, State or campus
   police agency in North Carolina, other than for reasons of mental disability, who
   has been retired as a Sworn Law Enforcement Officer two (2) years or less from
   the date of the permit application, and who satisfied all of the following:

   a) Immediately before retirement, the individual was a Qualified Sworn Law
      Enforcement Officer with a local, State or company police agency in North
      Carolina.
b) The individual has a non-forfeitable right to benefits under the retirement plan of the agency as a Law Enforcement Officer.

c) The individual is not prohibited by State of Federal Law from receiving a firearm."

B. Restriction

1. “Notwithstanding any other provision of the law of any state or any political subdivision thereof, an individual who is a Qualified Law Enforcement Officer and who is carrying the identification required...may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to the restriction that:

   a) Private persons or entities may prohibit or restrict the possession of concealed firearms on their property; or

   b) Any state or local government may prohibit or restrict the possession of firearms on its property, installation, building, base, or park.”

2. Authorization for Qualified Sworn or Retired Law Enforcement Officers of the Department to carry concealed any approved weapon or handgun, while off duty, as provided by the provisions of this policy, shall be subject to the following restrictions:

   a) Qualified individuals of the Department who elect to carry a concealed weapon while off duty will be required to have in their possession, a Department issued badge, Department issued photo identification card and personal photo identification or driver’s license.

   b) No individuals acting under the authority granted in this policy will be permitted to possess or carry a concealed weapon, at any time, while the individual is consuming or under the influence of any intoxicating beverage or other impairing substance, or while any intoxicating or impairing beverage or impairing substance remains in the individual’s body.

   c) No individual acting under the authority granted in this policy will use any force, deadly or otherwise, or take any action to enforce the law or prevent a crime from occurring, unless a private citizen would be authorized under North Carolina law or any law of any other state or political subdivision to take the same action under the identical circumstances, while outside the Department’s territorial jurisdiction.

   d) No individual acting under the authority granted in this policy will be allowed to carry any handgun or other concealed weapon, whether concealed or in plain view, in any building owned, operated or classified as a Federal Government Building, or any such Federal property, while on or off duty, whether inside or outside the Department’s territorial jurisdiction.
e) No individual acting under the authority granted in this policy that is classified by the Department as a Probationary Officer or any individual who is currently on Departmental suspension, under a Domestic Violence Protection Order, or otherwise specifically restricted by the Department shall be allowed to carry concealed any approved or unapproved weapon, without approval from the Chief of Police or his designee.

3. Weapons
   a) No individual shall carry any concealed weapon or handgun, unless the Department approves such weapon.
   b) All individuals acting under the authority of this policy are reminded of the necessity of frequent firearm inspections and safety checks. Individual qualified persons are charged with the responsibility of maintaining a clean and fully functional weapon at all times.

C. Qualification Requirements
   1. All individuals acting under the authority of this policy will qualify with any off-duty weapon when they qualify with their service weapon, as scheduled by the department. Individual officers will be responsible for insuring that they maintain a current qualification status for each off-duty weapon.

   2. Ammunition for qualifying with an off-duty weapon will be provided by the officer; however, it is subject to inspection and approval by the Range Officer. The individual will not be permitted to change from that style and/or type of ammunition without re-qualifying.

   3. The course and standards for qualifying with an off-duty weapon will be the same as required for a service weapon.

   4. Once an individual has qualified with an authorized weapon, the officer may be allowed to carry the weapon on-duty, while in plain clothes, in place of the issued service weapon.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers of this agency with the proper use, deployment and acquisition of semi-automatic rifles provided by the Department or individually purchased by an officer.

II. POLICY

It is the policy of this law enforcement agency that officers will be issued approved semi-automatic rifles for use during high risk situations where officers must maintain tactical advantages, such as accuracy and range. All patrol rifles, whether Department or officer owned, must be approved for use by the Chief of Police and operated in accordance with this policy and the Department's Use of Force policy.

III. INTRODUCTION

A rifle provides advantages to officers dealing with armed suspects at greater distances, wearing ballistic protection, or in circumstances that reduce the safety and effectiveness of a handgun.

Police rifles may be viewed by the general public as militant or excessive as opposed to more traditional police weapons. Officers shall be conscious of this and take steps to minimize unnecessary exposure of the patrol rifle to the public.

IV. PROCEDURE

A. Deployment Of Patrol Rifles

1. Patrol rifles shall be deployed only in situations that the officer reasonably believes that the tactical advantages afforded by the rifle may be necessary.

   NOTE: This policy does not seek to articulate the only situations where rifle deployment is appropriate. The on-scene judgment of the officer or supervisor is the first indicator of appropriate deployment.

2. The patrol rifle may be deployed in situations:

   a) Where the officer believes a suspect he/she may encounter is wearing protective body armor; or
   b) Is believed to be armed with or has immediate access to high powered or shoulder fired weapons; or
   c) Is believed to be armed and situated in a distant or fortified location which affords the suspect a tactically superior position.
d) Any situation where range and accuracy could exceed that of a handgun, such as building searches, search warrants, active shooters, etc.

e) Any situation deemed appropriate by the shift supervisor.

B. Departmental Guidelines For Patrol Deployment

1. Each patrol rifle is assigned to a specific patrol officer and used by that officer whether they share a vehicle or not. Each rifle will be stored in a protective case with up to 60 rounds of department approved ammunition.

   a) Patrol Rifles are to be stored in the trunk of the assigned patrol vehicle of the particular officer working. If the officer is off, the patrol rifle shall be stored in the officer’s locker or other secured location inside the Department.

   b) Each rifle shall be inspected at the beginning and end of each shift to ensure its readiness for duty.

   c) No patrol vehicle shall be left unlocked or unsecured while transporting a rifle.

   d) Officers are responsible for the safe and secure storage of their issued rifles at all times. Any violation of this guideline may result in disciplinary action by the Chief of Police or his designee.

2. Readiness For Deployment

   a) The rifle shall be stored in a protective case with a loaded magazine inserted in the magazine well, chamber empty and safety on.

   b) Rifle magazines will be loaded in accordance with training established by the department.

   c) Patrol rifles shall be inspected frequently and adequately maintained. Any damages should be reported immediately.

   d) If the patrol vehicle storing a rifle is going to be taken for service work, training or any other special assignment where the vehicle could be operated or fall under the control of non-employed members of the Department, the rifle must be removed from the trunk and stored in a secured area inside the Department.

3. Qualification and Training

   a) Officers must be currently trained and qualified with the rifle, per department training and qualification standards, before they are authorized to use it.

   b) The minimum qualification score for the patrol rifle is eighty (80) percent accuracy.
c) In addition to qualification, officers will be required to demonstrate the ability to properly transition from a rifle to their handgun, load and unload the rifle, and various other practical exercises as deemed appropriate in Department training.

d) Officers must complete an eight (8) hour Basic Patrol Rifle training course before qualifying.

e) Officer must complete a minimum of four (4) hours annually in Advanced Patrol Rifle training course annually to ensure efficiency and competence.

C. Personally Owned Patrol Rifles

The Mayodan Police Department may allow individual officers to purchase and carry their own patrol rifles, on duty, pursuant to this policy.

1. Requirements For Deployment

   a) The officer must have successfully completed his/her probationary period.

   b) The rifle must be approved for carry by the Chief of Police.

   c) Any equipment installed on the weapon must be approved by the Chief of Police.

   d) The officer must successfully complete the Department's training and qualification requirements.

2. Training

   a) Officers who opt to purchase and carry their own rifle must complete the same training and qualification requirements.

   b) Officers who opt to purchase and carry their own rifle may be required to provide their own ammunition for training and qualification.

   c) All other rules and regulations listed in this policy adhere to carrying personally owned rifles while on patrol.

3. Liability Of Use

   a) The Department may or may not assume any responsibility for lost, stolen or damaged rifles while being transported in Town owned vehicles. It may be determined that financial responsibility is the sole responsibility of the owning officer.

   b) The Department may require that officers purchase a separate insurance policy to cover personally owned weapons.

   c) The owner of any weapon approved pursuant to this policy is responsible for all expenses related to the care, repair and maintenance of the weapon unless otherwise approved by the Chief of Police.
D. Weapon Specifications

1. The rifle shall be a gas-operated, semi-automatic, .223 X 5.56mm caliber rifle, commonly known as an AR-15/M4 style patrol rifle.

2. The rifle manufacturer must be approved by the Chief of Police.

3. The rifle barrel must be between sixteen (16) and twenty (20) inches in length and either have a fixed or collapsible stock.

4. Barrel lengths less than sixteen (16) inches are prohibited for use by officers of the Department, unless the rifle is owned by the department and issued by the Chief of Police.

5. The rifle must be equipped with an approved tactical sling.

6. The rifle must have an attached light with illumination capabilities of at least 65 Lumens.

7. The rifle must have either fixed or flip-up iron sights, or an optical sighting system. EXAMPLE: (EOTech / ACOG / Aimpoint)

8. Optics magnifiers may be used if approved by the Chief of Police.

9. Officers shall only use magazines approved by the Chief of Police. Each rifle will be issued two (2) Magpul magazines. Officers using personally owned rifles will be required to purchase their own approved magazines.

10. Officers must have an appropriate case to protect the rifle in the patrol vehicle.

11. Ammunition will be issued to each rifle by the Chief of Police or his designee.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers of this agency with the proper use, deployment and acquisition of semi-automatic rifles provided by the Department or individually purchased by an officer.

II. POLICY

It is the policy of this law enforcement agency that officers will be issued approved semi-automatic rifles for use during high risk situations where officers must maintain tactical advantages, such as accuracy and range. All patrol rifles, whether Department or officer owned, must be approved for use by the Chief of Police and operated in accordance with this policy and the Department’s Use of Force policy.

III. INTRODUCTION

A rifle provides advantages to officers dealing with armed suspects at greater distances, wearing ballistic protection, or in circumstances that reduce the safety and effectiveness of a handgun.

Police rifles may be viewed by the general public as militant or excessive as opposed to more traditional police weapons. Officers shall be conscious of this and take steps to minimize unnecessary exposure of the patrol rifle to the public.

IV. PROCEDURE

A. Deployment Of Patrol Rifles

1. Patrol rifles shall be deployed only in situations that the officer reasonably believes that the tactical advantages afforded by the rifle may be necessary.

   NOTE: This policy does not seek to articulate the only situations where rifle deployment is appropriate. The on-scene judgment of the officer or supervisor is the first indicator of appropriate deployment.

2. The patrol rifle may be deployed in situations:

   a) Where the officer believes a suspect he/she may encounter is wearing protective body armor; or

   b) Is believed to be armed with or has immediate access to high powered or shoulder fired weapons; or

   c) Is believed to be armed and situated in a distant or fortified location which affords the suspect a tactically superior position.
d) Any situation where range and accuracy could exceed that of a handgun, such as building searches, search warrants, active shooters, etc.

e) Any situation deemed appropriate by the shift supervisor.

B. Departmental Guidelines For Patrol Deployment

1. Each patrol rifle is assigned to a specific patrol vehicle and used by the two officers that share the vehicle. Each rifle will be stored in a protective case with up to 60 rounds of department approved ammunition.

   a) All rifles are to be stored in the trunk of the assigned patrol vehicle.

   b) Each rifle shall be inspected at the beginning and end of each shift to ensure its readiness for duty.

   c) No patrol vehicle shall be left unlocked or unsecured while transporting a rifle.

   d) Officers are responsible for the safe and secure storage of their issued rifles at all times. Any violation of this guideline may result in disciplinary action by the Chief of Police or his designee.

2. Readiness For Deployment

   a) The rifle shall be stored in a protective case with a loaded magazine inserted in the magazine well, chamber empty and safety on.

   b) Rifle magazines will be loaded in accordance with training established by the department.

   c) Patrol rifles shall be inspected frequently and adequately maintained. Any damages should be reported immediately.

   d) If the patrol vehicle storing a rifle is going to be taken for service work, training or any other special assignment where the vehicle could be operated or fall under the control of non-employed members of the Department, the rifle must be removed from the trunk and stored in a secured area inside the Department.

3. Qualification and Training

   a) Officers must be currently trained and qualified with the rifle, per department training and qualification standards, before they are authorized to use it.

   b) The minimum qualification score for the patrol rifle is eighty (80) percent accuracy.

   c) In addition to qualification, officers will be required to demonstrate the ability to properly transition from a rifle to their handgun, load and unload the rifle, and various other practical exercises as deemed
appropriate in Department training.

d) Officers must complete an eight (8) hour Basic Patrol Rifle training course before qualifying.

e) Officer must complete a minimum of four (4) hours annually in Advanced Patrol Rifle training course annually to ensure efficiency and competence.

C. Personally Owned Patrol Rifles

The Mayodan Police Department may allow individual officers to purchase and carry their own patrol rifles, on duty, pursuant to this policy.

1. Requirements For Deployment
   a) The officer must have successfully completed his/her probationary period.
   b) The rifle must be approved for carry by the Chief of Police.
   c) Any equipment installed on the weapon must be approved by the Chief of Police.
   d) The officer must successfully complete the Department’s training and qualification requirements.

2. Training
   a) Officers who opt to purchase and carry their own rifle must complete the same training and qualification requirements.
   b) Officers who opt to purchase and carry their own rifle may be required to provide their own ammunition for training and qualification.
   c) All other rules and regulations listed in this policy adhere to carrying personally owned rifles while on patrol.

3. Liability Of Use
   a) The Department may or may not assume any responsibility for lost, stolen or damaged rifles while being transported in Town owned vehicles. It may be determined that financial responsibility is the sole responsibility of the owning officer.
   b) The Department may require that officers purchase a separate insurance policy to cover personally owned weapons.
   c) The owner of any weapon approved pursuant to this policy; is responsible for all expenses related to the care, repair and maintenance of the weapon unless otherwise approved by the Chief of Police.

D. Weapon Specifications

1. The rifle shall be a gas-operated, semi-automatic, .223 X 5.56mm caliber rifle,
commonly known as a AR-15/M4 style patrol rifle.

2. The rifle manufacturer must be approved by the Chief of Police.

3. The rifle barrel must be between sixteen (16) and twenty (20) inches in length and either have a fixed or collapsible stock.

4. Barrel lengths less than sixteen (16) inches are prohibited for use by officers of the Department, unless the rifle is owned by the department and issued by the Chief of Police.

5. The rifle must be equipped with an approved tactical sling.

6. The rifle must have an attached light with illumination capabilities of at least 65 Lumens.

7. The rifle must have either fixed or flip-up iron sights, or an optical sighting system. **EXAMPLE:** (EOTech / ACOG / Aimpoint)

8. Optics magnifiers may be used if approved by the Chief of Police.

9. Officers shall only use magazines approved by the Chief of Police. Each rifle will be issued two (2) Magpul magazines. Officers using personally owned rifles will be required to purchase their own approved magazines.

10. Officers must have an appropriate case to protect the rifle in the patrol vehicle.

11. Ammunition will be issued to each rifle by the Chief of Police or his designee.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers of this agency with guidelines for performing patrol functions.

II. POLICY

It is the policy of this law enforcement agency that officers will perform standardized selected patrol functions and procedures in order to ensure uniformity of operations within the Department’s patrol component and to provide consistent, effective service to citizens of the Town.

III. DEFINITIONS

**Patrol:** The deployment of officers to suppress and prevent criminal activity, investigate offenses, apprehend offenders, and furnish day-to-day police services to the community.

**Area:** A geographical area assigned to an officer for patrol responsibilities.

**Zone:** A grouping of areas within a geographical location, designated for the purpose of patrol functions.

**Field Interview:** The questioning of a person by officers due to the reasonable belief that the person may have committed, may be committing, or may be about to commit a crime; or belief that the person may present a hazard; or belief that the interview may have a preventative effect.

**Preliminary Investigation:** Generally, the information collected by officers upon their initial response to an incident.

**Follow Up Investigation:** The extension of a preliminary investigation for which the purpose is to gain additional information.

**Police Hazard:** A situation, person, property, or location that may induce an incident requiring police action.

IV. PROCEDURE

A. Patrol Functions

Following are the primary functions of patrol:

2. Response to calls for service.
3. Investigation of crimes, offenses, incidents, and conditions, including the apprehension of offenders.
4. Investigation of traffic accidents.
5. Traffic direction and control.
7. Provision of emergency services.
8. Prompt and accurate reporting of incidents.
9. Development of relationships between citizens and the Department.

B. Goals and Objectives

Prior to the beginning of each calendar year, the Captain and Patrol Commander will develop written goals and objectives relating to the performance of the Patrol Division.

These goals and objectives will be submitted to the Chief of Police as part of the Division’s budget plan for the fiscal year. Goals and objectives will be measurable and will be disseminated to all patrol officers following review and approval by the Chief of Police.

C. Organization and Administration

The Patrol Commander supervises the Patrol Division, under the direct supervision of the Captain of Police. The Patrol Commander, with input from four Shift Supervisors, coordinates and supervises the daily activities of the patrol component.

In order to provide continuous service to citizens of the Town, the Patrol Division operates on a 24-hour basis. Personnel are assigned to rotating shifts.

1. Staffing

When assigning officers to patrol teams, the Captain and Patrol Commander make provisions for equity among teams based upon departmental needs, levels of experience, and specialty training.

At the discretion of the Chief of Police, officers are assigned to a specific shift, taking into consideration staffing needs, manpower availability, minimum staffing levels, and other such requirements.

Officers are assigned to a particular shift for an indefinite time period in order to enhance accountability and allow officers to become better acquainted with each other. If staffing needs require, officers may be assigned to work split shifts to accommodate scheduling conflicts. Under normal conditions, each patrol shift should consist of a Patrol Sergeant, an Officer and a Communications Officer.
2. Time Management Information

Instructions for Completing Time Sheets

➢ Please list the dates for each day on the time sheet. At a minimum, the date **MUST** be listed for any hours used other than Regular.

➢ **ONLY** Regular and Overtime hours can be used to accumulate more hours than your normally scheduled work hours.

➢ By the end of each pay period, each row **MUST** be totaled and each column **MUST** be totaled. This will ensure there are no mistakes.

➢ **AFTER** your time sheet has been totaled, it **MUST** be dated and signed.

➢ Unless otherwise notified, time sheets will be compiled and the information submitted to the Financial Officer on the first day of the following pay period.

Time-off Guidelines

➢ A *Time-Off Request Form* shall be submitted to the Scheduling Officer as far in advance as possible anytime an employee wishes to be off (this includes Compensatory Time, Holiday Time, and Vacation Time).

➢ Requests can be for up to one year in advance.

➢ Time-Off Requests will be handled on a first-come first-serve basis. In the event more than one person submits a request on the same day, the person with seniority will receive priority.

➢ Requests shall be for at minimum of six hours for day shift and for twelve hours on night shift.

➢ Under no circumstances shall anyone take off unless it is posted on the schedule.

➢ No more than one person per team will be scheduled off at a time.

➢ Both Sergeants on the same rotation will not be scheduled off at the same time.

➢ Both Dispatchers on the same rotation will not be scheduled off at the same time.

➢ Non-sworn dispatchers on an 80 hour pay schedule shall take four hours off each pay period.

All other information pertaining to hours worked, compensatory time, vacation and holiday time can be found in Article IV of the Town’s Personnel Policy.

3. Shift Briefing
Shift briefings for patrol officers will be conducted at the Department. The purpose of shift briefings is to provide officers and supervisors the opportunity for face-to-face communication and to keep officers up to date between formal retraining sessions.

To ensure that constant coverage is maintained and that officers are on and off duty at the appointed times, shift briefings should be no longer than 20 minutes in duration. The content of shift briefings will be determined by the Shift Supervisors and will include the following:

a) Information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations.

b) Notification of changes in schedules and assignments.

c) Notification of new policies or changes in existing policies.

d) Legal updates.

Information will be disseminated using a variety of instructional methods including handouts, verbal presentations, emails, memorandums and videos. The Patrol Commander will evaluate the effectiveness of shift briefings and may call a shift, rotation or Departmental meeting if the need arises.

4. Coordination Between Units

In order to facilitate the accurate exchange of information between and among patrol teams and other Department teams, the following may be used:

a) Briefings by supervisory personnel from the previous shift.

b) Computer printouts detailing prior shift activities.

c) Electronic messages to affected personnel.

5. Shift Protocol

Supervisors should, on a yearly basis, review the Shift Protocol were each subordinate to ensure uniformity within the Department. See *Shift Protocol Memorandum*.

D. Response to Calls

Calls of a routine nature will require the response of one patrol officer, unless additional units are requested by the initial officer or supervisor. The following situations will require a response by two or more officers:

1. Assault on an Officer.

2. Domestic Disturbance in progress.

3. On-scene arrest for a felony or violent misdemeanor.
4. Resistance to Arrest.
5. Crime(s) in progress.
6. Fleeing suspect.
7. Armed robbery alarm.

These situations are intended only as a guide for response by patrol units, and should not preclude additional units responding to situations not specifically listed.

The Patrol Commander or the Shift Supervisor will respond to the following incidents for the purpose of assuming temporary control at the scene:

1. Death of a suspicious nature.
2. Rape involving injuries.
3. Serious assault.
4. Armed robbery.
5. Bombing or bomb threat.
6. Serious motor vehicle accident involving injuries.
7. Any other major incident in which patrol officers may require supervisory assistance. Nothing will preclude the Patrol Commander or Shift Supervisor from taking command of an incident if deemed necessary.

E. Investigations

Patrol officers will routinely be assigned responsibility for the preliminary investigation of all reported incidents. The Criminal Investigations Division will not be prohibited, however, from initiating cases and conducting preliminary investigations as necessary.

Patrol officers will retain responsibility for initial and follow-up investigations of misdemeanor and some felony crimes unless otherwise directed by their commanding officer.

A detective will be notified in any of the following incidents:

1. Criminal homicides or deaths of a suspicious nature.
2. Forcible or attempted forcible rapes.
3. Aggravated assaults that may result in death.
4. Armed robberies, commercial or residential.
5. Arson or suspicious burnings.
6. Bombings or other suspicious explosions.
7. Any other serious criminal incident that the Patrol Commander or Shift Supervisor believes would benefit from a detective’s assistance.

The Shift Supervisor is responsible for requesting a detective’s assistance. The detective will respond to the request unless the Criminal Investigations Division Commander, Captain or Chief of Police deems otherwise based upon the specific circumstances of each incident. Whenever a detective does not respond, the Captain of Police will be advised of the reason as soon as possible by voice mail or e-mail.

Investigative responsibility for felony investigations will be referred to the Criminal Investigations Division unless the Shift Supervisor is able to determine that:

1. Immediate clearance is highly probable.
2. The patrol team has sufficient manpower to dedicate the necessary personnel to the situation.
3. The circumstances have been discussed with all applicable personnel and it is determined that no detrimental effect on the case is likely.

A Shift Supervisor’s decision to have patrol officers continue an investigation will also be based on these additional factors:

1. Nature of the offense.
2. Investigating officer’s schedule.
3. Ability of the officer(s) involved.
4. Manpower requirements of the team.

F. Radio Procedures

Each officer engaged in a field assignment will have constant access to radio communications. Each patrol officer will be equipped with a portable transceiver for use while on duty.

All radio traffic by patrol units will be brief and concise. Units will use a combination of 10 codes, signals, and plain language in transmissions. Officers will be identified by assigned numbers.

While on patrol, officers will operate their radios in the primary frequency mode (Channel 1) unless otherwise instructed or requested to use another frequency. When answering the radio, officers will respond by giving the following information:

1. Their unit number.
2. The appropriate 10 code.
3. Their geographic location to the nearest cross-streets.

Officers will notify the Communications Center of their status when:
1. Arriving at the scene of an incident.
2. Making vehicle stops.
3. Approaching suspicious persons.
4. Completing an assignment.
5. Calling in or out of service.
7. Changing radio frequencies.

Officers will keep the Communications Center informed regarding changes in the nature of a call in order to ensure officer safety and to expedite the efficient handling of incidents.

G. Field Interviews

Officers are authorized to conduct investigative stops and interviews based upon reasonable suspicion. An individual’s actions, attitudes, demeanor, or location may warrant an investigative stop. When making an investigative stop, officers will present a professional, courteous manner.

Officers will not stop and question individuals based solely on a common trait of a group, commonly known as ‘bias based profiling.’ Bias based profiling includes, but is not limited to race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group or any other identifiable group.

An officer who stops and questions a suspicious person will complete a Field Interview Report in the Field Contact module in the Department’s Records Management System. The Patrol Commander and Criminal Investigations Division Commander review Field Interview Reports on a daily basis.

Information from Field Interview Reports will be available for review by the Criminal Investigations Division for investigative purposes. Field Interview Reports will be maintained for further reference.

H. Informants

Patrol officers are encouraged to cultivate and use informants as part of the police function. *(See 3.07 Confidential Funds and Sources of Information)*

I. Identification of Police Hazards

Information pertaining to hazards requiring immediate attention will be reported immediately by the observing officer via radio to the Communications Center. Considering the degree of hazard, information regarding the situation will be relayed promptly to the appropriate sector officer or other personnel capable of handling the matter.

When appropriate, information regarding hazards will be furnished to other patrol
teams for dissemination at patrol briefings. Additional methods used for dissemination include shift briefings, posting information on bulletin boards, providing the Communications Center with the necessary information, and issuing memorandums to the affected units.

J. Police Ride-Alongs

At the discretion of the Chief of Police, individuals from the following groups may be allowed to ride with patrol officers in order to become familiar with Department patrol practices and procedures:

1. Interns.
2. Citizens Police Academy Participants.
3. Interested Citizens.
4. Applicants.
5. Employees of Neighboring Agencies
6. Media Representatives, with the Town Manager's approval.

The Chief of Police or his designee must approve all applications for ride-alongs. Approval from the Patrol Commander must be obtained before a ride-along is allowed on a particular shift, assignment, or with a particular officer.

The Patrol Commander will have the discretion to limit the duration, frequency, and number of ride-alongs based on personnel needs. Individuals making application to ride along will:

1. Complete, sign, and have notarized the approved departmental waiver form prior to the ride-along. "Ride Along Liability Release Form"
2. If under 18 years of age, have signed approval by the Patrol Commander and a parent or guardian.
3. Present a valid picture ID, such as a driver's license, of which a copy will be made and attached to the application.

Waivers will be maintained active for a period of six months, at which time individuals who desire to ride along will be required to re-apply. Prior to each ride-along, individuals will present their picture ID to the Shift Supervisor who will:

1. Verify its validity and match with the application.
2. Initial and date the application to document that positive identification was confirmed.

When riding with patrol officers, individuals will observe only. Individuals riding along:

1. Have no police authority and are not allowed to actively participate in any patrol
activity.

2. Will not operate any police vehicle, possess or handle any weapon, or use any police equipment.

3. May dress in casual attire, but must be neat in appearance; jeans, t-shirts, and athletic shoes are not appropriate.

4. Must comply immediately with all instructions given by the officer.

5. May be instructed in the operation of the police radio in case of emergency only.

6. Are required to remain in the police vehicle during traffic stops, domestic disputes, building searches, the service of a search warrant, the service of an arrest warrant, and in any other situation which the officer or Shift Supervisor deems unsafe or inappropriate.

Ride-alongs will not accompany officers during execution of warrants in private homes or similar places where occupants may have a reasonable expectation of privacy.

Based upon the officer’s evaluation of the rider’s safety in any given situation, riders may not be allowed to continue riding with an officer when the officer must respond to the following:

1. Vehicular pursuits.

2. Calls involving a suspect with a weapon.

3. Hostage/barricaded subject calls.

4. Any situation the officer, supervisor, or Patrol Commander deems to be unsafe or inappropriate.

Should a dangerous condition arise, the ride-along should be discharged at a safe location and arrangements made to pick up the ride-along as soon as the emergency subsides.

K. Patrol Vehicles

The operation and maintenance of patrol vehicles is governed by departmental policy and procedures. All patrol vehicles assigned for general patrol service are conspicuously marked in the following manner:

1. Exterior-mounted emergency light bars.

2. Display of the Department’s name.

3. Reflective materials placed on the sides and rear of the vehicle for high visibility.

Patrol vehicles are equipped with blue emergency lights, siren, and alternating headlamps. Equipment maintained in each patrol vehicle includes:

1. Trunk organizer.
2. Basic first aid equipment and Bloodborne Pathogens Kits.
3. Fire extinguisher.
5. Measuring device.
6. Reflective traffic vest.
7. Flashlight with wand.
10. Gloves.
12. Leg Restraints.

Vehicles designated for specialized purposes are exempt from these requirements.

L. Personal Equipment

The following equipment is issued to patrol officers for use while on duty:
1. Winter and summer uniform shirts and trousers.
2. Uniform shoes.
3. Uniform hat.
4. Hat badge and breast badge.
5. Name plate.
7. Semi-automatic pistol and holster.
8. 40 rounds of ammunition, magazines, and pouch.
10. Expandable baton and holder.
11. Handcuffs and case.
12. Uniform Citation pad and holder.
15. Portable Radio and carrying case.

16. Oleoresin Capsicum spray and holder.

The Chief of Police, Captain, and Division Commanders may elect to carry only their sidearm and holster on their uniform belt. This provision will also apply to those personnel in specialized positions as authorized by the Chief of Police.

M. Body Armor *(See 5.12 Body Armor)*

N. Notifying Next of Kin

When it becomes necessary to notify next-of-kin of persons deceased, seriously injured, or seriously ill, officers will follow these guidelines:

1. Whenever possible, allow hospital medical personnel to make the notification; If the hospital is unable to do so, the highest ranking officer or designee should make the notification.

2. When practical, a Department Chaplain or other minister should be called to assist with the notification.

3. The same procedures should be used when an outside agency requests that a notification be made.

O. Other Notifications

The State Medical Examiner will be notified of all deaths not attended by a physician. If a Medical Examiner is needed at the scene, the investigating officer or supervisory personnel will arrange for such request to be made by the Communications Center. Medical personnel or personnel from an outside agency should not be used for this notification.

When situations arise that require assistance from Public Works, Public Utilities, or Street/Highway Department personnel, the officer in charge at the scene will make such requests through the Communications Center. Information regarding equipment needed and the nature of the problem should be provided to assisting personnel as soon as possible.

Should notification to the general public be required, such as a traffic detour, the Patrol Commander will work with the Town Public Information Officer to have necessary information relayed to local news and media services. Such notification will 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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2. Data must be contributed by an officer or employee of a criminal justice agency or approved non-criminal justice agency.

3. Data must be gathered in performance of the employing agency’s official duties.

4. Data shall be verified and documentation maintained for record purposes prior to entering into hot files.

5. Data shall be complete, accurate and when applicable conform to hot file validation.

C. Physical and Personnel Security Measures

1. The sensitivity and confidentiality of the information which is maintained or provided by the DCI network requires that each of the following measures be taken by the User Agency.

2. DCI network equipment and terminal operators manual shall be located in a secure area accessible only to authorized personnel.

3. DCI network terminal equipment must be safeguarded from damage by excessive dirt, employee misuse, fire, floods and power failure.

4. If any damage occurs, the User Agency shall report such damage to the network computer, either by telephone, or by sending a message to the DCI network central site. Users will be liable for payment for repairs resulting from their negligence, abuse or misuse.

5. A background investigation will be conducted on all employees assigned as DCI network terminal operators prior to certification by the User Agency.

   a) This investigation will include a State and national fingerprint search for a criminal record.

   b) Persons with an original certification date prior to January 01, 1992, are exempt from the background investigation and fingerprint search.

   c) Any individual, who has been convicted of a felony or, in the judgment of the agency head or the assigned representative for the SBI, has been convicted of a misdemeanor involving fraud, misrepresentation, or deceit shall not be eligible to be certified as a DCI network terminal operator.

   d) Any individual outlined in 4c is subject to revocation of their operator certification by the SBI.

6. Within 120 days of assignment of duty as a DCI network terminal operator, the criminal justice or approved non-criminal justice agency personnel who are involved in the use of the DCI network through the operation of a DCI network terminal or a terminal connected by a computer interface with DCI access, will be certified by the SBI.

7. Only certified DCI network terminal operators or newly assigned personnel
under the direct supervision of a certified DCI network operator shall access or use any terminal accessing DCI.

D. Local Polices

In addition to the above stated rules and regulations, the following rules will also be adhered to by members of the Mayodan Police Department.

1. A terminal operator must sign into the DCI system at the beginning of their tour of duty or prior to performing transactions on the system. At the end of a tour of duty, the operator must sign out and the new operator should then sign in.

2. All transactions on a DCI terminal are for criminal justice, approved non-criminal justice purposes.

3. Criminal or driver histories shall not be disseminated to unauthorized persons. When information is given to persons other than members of the Department, the proper form should be filled out and signed.

E. Terminal Security

Agency heads that are responsible for management control shall institute controls for maintaining the sensitivity and confidentiality of DCI information and for safeguarding equipment. Equipment accessing DCI must be in a secure location and restricted to authorized personnel.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers of this agency with notice of the provisions of the Department’s drug testing program.

II. POLICY

It is the policy of this law enforcement agency that officers and applicants will submit to drug tests as a part of initial and continued employment.

III. INTRODUCTION

Due to the critical mission of criminal justice officers, and the reliance by the citizens of the community upon this department for law enforcement and general safety and protection, it is the policy of this department to maintain a drug-free work environment through the use of an applicant, lateral transferee, and reasonable suspicion testing program.

The criminal justice profession has several uniquely compelling interests that justify the implementation of a drug testing program. The public has a right to expect that those who are sworn to protect them are at all time both physically and mentally prepared to assume these duties. There is sufficient evidence to conclude that the use of controlled substances and other forms of drugs abuse will seriously impair an employee’s physical and mental health and, thus, job performance.

Where criminal justice officers participate in illegal drug use and drug activity, the integrity of the criminal justice profession and public confidence in the profession are destroyed. This confidence is further eroded by the potential for corruption created by illegal drug use. This Department has a compelling interest in ensuring that every officer, sworn to uphold the law, has unimpeachable integrity.

This Department also has a compelling interest in preventing any unwarranted risk to the life of the citizens of the community posed by the potential use of deadly force by armed officers suffering from impaired perception and judgment.

This Department places a great deal of trust and confidence in the integrity and loyalty of each of its employees. Illegal drug use by employees of this Department evidences less than the complete reliability, stability and good judgment that is consistent with law enforcement employees and creates the possibility of coercion, influence and irresponsible action under pressure that may pose a threat to effective enforcement of the law and maintenance of the peace. Additionally, employees who use illegal drugs, on or off duty, tend to be less productive, less reliable, and prone to greater tardiness and absenteeism than their fellow employees who do not use drugs.

Therefore, in order to ensure the integrity of this Department, to protect the citizens of the
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Town, and to preserve public trust and confidence in a fit and drug-free criminal justice profession, this Department shall implement a drug testing program. This program is designed to detect prohibited drug use by employees and to reduce the likelihood the drug-dependent applicants and lateral transferees will be employed by this Department.

IV. DEFINITIONS

**Criminal Justice Officer:** A sworn law enforcement officer with powers of arrest, and officers, supervisors and administrative personnel at local confinement facilities.

**Lateral Transferee:** A criminal justice officer who applies for employment, or appointment where the officer has previously held general certification and has been separated by an agency in good standing or transferred to this agency and the officer has been separated from a criminal justice officer position for no more than twelve months.

**Applicant:** A person, other than a lateral transferee, who applies for employment or appointment as a criminal justice officer.

**Employee:** Any persons employed by this Department. This term includes, but shall not be limited to, criminal justice officers and clerical and support staff.

**Drug Test:** The compulsory production and submission of urine by an applicant, lateral transferee, or employee in accordance with Departmental procedures, for chemical analysis to detect prohibited drug use.

**Reasonable Suspicion:** An articulable belief that an employee used or is using illegal drugs drawn from specific and particularized facts and reasonable inferences from those facts.

V. PROCEDURE

A. Prohibited Activity

The following rules shall apply to all applicants and employees, while on and off duty:

1. No employees shall illegally possess any controlled substance.

2. No employee shall ingest any controlled or other dangerous substance, unless as prescribed by a licensed medical practitioner.

   a) Employees shall notify their immediate supervisor when required to use prescription medicine that they have been informed has the potential to impair job performance. The employee shall advise the supervisor of the known side effects of such medication as well as the prescribed period of use.
b) Supervisors shall document this information through the use of an internal memorandum and maintain this memorandum in a secured file.

c) The employee may be temporarily reassigned to other duties, where appropriate.

3. No employee shall ingest any prescribed or over-the-counter medication in amounts beyond the recommended dosage.

4. Any employee who unintentionally ingests, or is made to ingest, any controlled substance shall immediately report the incident to his supervisor so that appropriate medical steps may be taken to ensure the officer’s health and safety.

5. Any employee having a reasonable basis to believe that another employee is illegally using, or is in possession of any controlled substance shall immediately report the facts and circumstances to his supervisor.

B. Applicant and Lateral Transferee Drug Testing

1. Applicants and lateral transferees applying for a criminal justice officer's position shall be required to take a drug test as a condition of employment during the application process, but not more than sixty days prior to the date of employment as an officer.

2. Applicants and lateral transferees shall be disqualified from further consideration for employment under the following circumstances:
   a) Refusal to submit to a required drug test; or
   b) A confirmed positive drug test indicating drug use prohibited by this policy.

C. Employee Drug Testing

Officers and other employees will be required to submit to a drug test, as a condition of continued employment, in order to ascertain prohibited drug use in any case where there exists an individualized ‘reasonable suspicion’ that the officer or employee uses or is using illegal drugs. Reasonable suspicion that an officer or employee uses or is using illegal drugs may be based upon but not limited to:

1. Observable phenomena, such as direct observation of drug use or possession and/or the physical symptoms of being under the influence of a drug.

2. A pattern of abnormal conduct or erratic behavior, including abnormal leave patterns.

3. Arrest or conviction for a drug-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use, or trafficking.

4. Information provided either by reliable and credible sources or independently corroborated.

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5. Evidence that an employee has tampered with a previous drug test.
6. Facts or circumstances developed in the course of an authorized investigation of an accident or unsafe working practice.

D. Specimen Collection Procedures

1. The testing procedures and safeguards provided in this policy to ensure the integrity of Department drug testing shall be adhered to by all personnel administering drug tests.
2. The individual to be tested, hereinafter referred to as ‘donor’, should be positively identified by presenting one of the following:
   a) North Carolina Driver's License.
   b) Division of Motor Vehicles Identification Card.
   c) Other government issued photo identification.
3. The donor will be required to complete an Applicant Consent Form.
4. The donor will have completed an Applicant Medication Information Form.
5. The room where the sample is to be obtained must have been checked to ensure that it is private, secure, and free of any foreign substances.
6. A toilet bluing agent should be placed in the toilet bowl to ensure the donor does not use toilet water to dilute the specimen.
7. The donor should be asked to remove any unnecessary outer garments such as a coat or jacket.
8. All personal belongings such as a purse or briefcase should be left outside the collection room. A donor should be allowed to retain his/her wallet.
9. The donor should be instructed to wash and dry their hands.
10. The donor should be provided with a new and/or unadulterated specimen collection bottle or container. The donor should be instructed that a specimen of 60 milliliters or 2 ounces is necessary for urinalysis.
11. The donor should be instructed, while alone in the collection room, he/she may not run any water, flush the toilet, or handle anything else in the room.
12. When the donor enters the collection room, the collector will stand stand outside the door. The collector should note on the Urine Specimen Collection Checklist if he/she hears any unusual activity. If the donor runs water or flushes the toilet while alone in the collection room, the specimen will be deemed invalid and the process must begin anew.
13. The collector should receive the sample from the donor. Should the specimen need to be transferred from the collection container to other containers, the donor
should make such transfer while under observation by the collector. The specimen should be kept in full view of both the collector and donor until it is sealed.

14. The collector should check to see that a specimen of sufficient quantity has been collected. Should a specimen of insufficient quantity be presented to the collector, that specimen should be discarded and another specimen should be collected in a new container.

15. If the donor is unable to provide a specimen at that time, it is recommended that the donor be given eight (8) ounces of liquid every thirty (30) minutes. This should enable the donor to produce a sample within two hours. The donor must stay at the collection site until a specimen of quantity is obtained.

16. If the specimen is of sufficient quantity, the collector should check the temperature of the specimen. The temperature must fall between 90.5 degrees and 99.8 degrees Fahrenheit and the time from urination to temperature measurement shall not exceed four (4) minutes.

17. The collector should inspect the specimen’s color and look for any signs of contaminants. Any concerns should be noted on the Urine Specimen Collection Checklist. Should there be reasonable suspicion that the donor tampered with the specimen, the collector must notify the employing agency and send the specimen to the laboratory for testing.

18. The collector should seal the specimen container and be sure that appropriate identification is added to the container’s outer label(s).

19. After the testing procedure, the donor may wash his/her hands.

20. The collector should see that the specimen is appropriately safeguarded until such time as it is prepared for and delivered to the laboratory.

E. Drug Testing Methodology

1. The testing or processing phase shall consist of a two-step procedure:
   a) Initial screening test using an immunoassay testing method; and
   b) Confirmation test using gas chromatography/mass spectrometry method.

2. When the lab receives a urine sample it will conduct an initial screening test to check for the presence of illegal drugs. This initial screening test involves using an immunoassay testing method.

3. The drugs whose use shall be tested for shall include cannabis, cocaine, phencyclidine (PCP), opiates and amphetamines or their metabolites.

4. The threshold levels established by the Department of Health and Human Services for Federal Workplace Drug Testing programs are hereby adopted by reference and shall automatically include any later amendments and editions of said adopted matter.
5. The laboratory conducting the test must be certified for federal workplace drug testing programs, and must adhere to applicable federal rules, regulations and guidelines pertaining to the handling, testing, storage and preservation of samples.

6. Should the initial test produce a positive result for the presence of an illegal drug, the lab will automatically perform a second test. Known as a confirmation test, the second screening involves using a technologically different and more sensitive gas chromatography/mass spectrometry testing method.

7. The laboratory will report a test result as positive if, and only if, both the initial test and the confirmation test show the presence of an illegal drug.

8. The laboratory will report all test results directly to the Medical Review Officer.

F. Medical Review Officer

In order to provide, to the greatest extent possible, for the privacy and confidentiality of applicants and employees who are required to submit to drug testing, all laboratory results will be sent directly to the Medical Review Officer. All specimens reported by the laboratory as negative will in turn be reported to the agency by the MRO as negative.

With respect to confirmed positive results, the MRO:

1. May conduct medical interviews with the applicant or employee.
2. May review applicant or employee medical histories or any other biomedical factors.
3. Shall review all medical records made available by the tested employee when confirmed positive could have resulted from legally prescribed medication.
4. May deem the results scientifically insufficient for further action and declare the result to be negative based on a review of such data or facts as he/she may deem appropriate.

G. Chain of Evidence/Storage

1. Each step in the collecting and processing of the urine specimens shall be documented to establish procedural integrity and the chain of custody.
2. Where a positive result is confirmed, urine specimens shall be maintained by the laboratory in secured, refrigerated storage for an indefinite period.

H. Confidentiality of Test Results

1. A positive result, which the MRO justifies by appropriate medical or scientific documentation to account for the result as other than the intentional ingestion of an illegal drug, will be reported as a negative result and may not be released for purposes of identifying illegal drug use. Records of the MRO shall only be released to the agency head or appropriate agency coordinator and, when
necessary, to the North Carolina Criminal Justice Education and Training Standards Commission.

2. All records and information of personnel actions taken on applicants and veteran employees with verified positive test results shall be maintained in accordance with State and local personnel policies and procedures.

I. Refusals or Positive Test Results

1. Refusals to submit to a requested drug test will result in the immediate termination of a current employee or the disqualification of an applicant from employment consideration.

2. A drug test that has been confirmed by the MRO as a positive test shall result in the immediate suspension of an officer/employee, and a second test shall be administered as soon as possible to confirm or deny the initial test results. If the second test indicates positive results, the officer/employee shall be immediately terminated.

3. Prior to any action being taken against an officer/employee for a positive test result, that officer or employee shall have the right to explain to the MRO any legitimate reason for positive test results against him/her.

4. Any officer/employee has the right to appeal any decision rendered against him or her as the result of employee drug testing. The appellate process shall follow the appeals process detailed in the disciplinary procedures section in this manual.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers of this agency with guidelines for using safety restraints in vehicles owned by the Town.

II. POLICY

It is the policy of this law enforcement agency that Officers will use the provided safety restraints in vehicles owned by the Town to ensure maximum operator and passenger safety, thus minimizing the possibility of death or injury as a result of a motor vehicle accident. This policy will apply to all personnel operating or riding in Department vehicles and private vehicle if used while on-duty.

III. PROCEDURE

A. Department personnel shall use the safety restraints installed by the vehicle’s manufacturer, in such that it is properly adjusted and securely fastened, while operating or riding in any vehicle so equipped if used while on-duty.

B. Lap belts shall be properly secured in those vehicles equipped with automatic safety restraint systems that require the lap portion of the restraint to be manually secured.

C. The driver of the vehicle is responsible for ensuring compliance by all occupants of the vehicle they are operating. Approved child restraints shall be used for all children of age, size or weight for which restraints are prescribed by law.

D. No person shall operate a Department owned vehicle in which any safety restraint in the driver’s seating position is inoperable. No person shall be transported in a seating position in which the safety restraint is inoperable.

E. No person shall modify, remove, deactivate or otherwise tamper with the vehicle’s safety restraints, except for vehicle maintenance and repair and not without the express authorization of the Chief of Police.

F. Personnel who discover an inoperable safety restraint system shall report the defect to his/her supervisor. The supervisor shall forward a Equipment Maintenance Form to the Patrol Commander.

G. Any person(s) under arrest and being transported in a Department vehicle are required to be properly secured in the vehicle by a safety restraint in all seating positions for which safety restraints are provided by the manufacturer.

H. An officer in a undercover capacity may be exempt from the policy only if the officer believes the use of the safety restraint will compromise their identity.
I. When arriving at an emergency call or making a traffic stop, officer may remove the safety restraint prior to stopping for quick exiting. If the vehicle fails to stop, the officer should fastened the safety restraint prior to initiating a vehicle pursuit.

J. Disciplinary Action

Failure to adhere to this policy will result in the following action:

1. **First Offense**: Verbal warning. The verbal warning will be kept in the officer’s file for a period of six (6) months. If no further action from this policy is taken in the preceding six (6) months, the verbal warning will be removed from the officer’s file and will not be counted in any subsequent actions.

2. **Second Offense**: Within six (6) months, a written warning will be documented and placed in the officer’s file.

3. **Third Offense**: Within six (6) months of the written warning, one (1) day suspension without pay.

4. **Fourth Offense**: Within six (6) months of the third offense, three (3) day suspension without pay.

5. **Fifth and Subsequent Offense**: Within six (6) months of fourth offense, action at the discretion of the Chief of Police.

The above Departmental action does not preclude the possibility of the officer being charged with a violation of State law.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers of this agency with guidelines for using Mobile Video Recording Equipment.

II. POLICY

It is the policy of this law enforcement agency that officers will utilize Mobile Video Recording Equipment to record any active or ongoing police activity. By using MVRs, officers will ensure that their actions and the actions of encountered citizens will be properly documented and stored for evidentiary purposes.

III. DEFINITIONS

-Digital Recorded Media: Refers to audio-video images recorded on CDs, DVDs, servers and hard drives.

-Mobile Video Recording (MVR) Equipment: Equipment installed in a vehicle that captures audio and video signals, including at a minimum a camera, microphone, recorder, and monitor.

IV. OBJECTIVES

The department has adopted the use of MVRs to accomplish the following objectives:

➢ To enhance officer safety.
➢ To accurately capture statements and events during the course of an incident.
➢ To enhance the officer's ability to document and review statements and actions both for internal reporting requirements and for courtroom preparation/presentation.
➢ To evaluate officer performance and to provide an impartial measurement for self-critique and field evaluation.
➢ To capture visual and audio information for use in current and future investigations.
➢ To protect officers from false allegations of misconduct.
➢ To deter officer misconduct.

V. PROCEDURE

Mayodan Police Department (Section III: Standard Operating Guidelines)
A. Access and Review of Recorded Images

Access to recorded media by department employees is determined by the MVR server through the department's secure password protected network. Only designated employees may access recorded media.

Officers may access and review their own recordings, and supervisors may review all recordings pursuant to a request made to the Patrol Commander. The MVR server will be located in the Patrol Commander's Office.

MVR equipment will be used only for legitimate law enforcement purposes in accordance with applicable law and departmental policy. Any portion of video/audio that records events surrounding a violation of the law (which includes a crime or offense prosecutable in the criminal courts in North Carolina or in the United States, or an infraction) is considered a record of a criminal investigation, as described in N.C.G.S. 132-1.4, and not a public record, as deemed in N.C.G.S. 132-1.

Any portion of video/audio that is used to subject an employee to departmental disciplinary action is a part of the employee's personnel file as defined in N.C.G.S. 160A-168, and is open to inspection only as provided by that statute.

B. Media Duplication and Retention

All MVR recorded images and files are the property of the department and dissemination outside the agency is strictly prohibited without specific authorization by the Chief of Police or his designee.

Except as authorized by this policy, copying, reproduction, or display of recorded images and files or any segment thereof generated by the department must be authorized by the Chief of Police or his designee. In such cases, only the Chief of Police or his designee can authorize the copying of recorded media.

At the conclusion of trial proceedings or as otherwise authorized by the District Attorney's Office for which the media was required, the Patrol Commander will submit all copies to the Evidence Custodian for further storage. Destruction of recorded media will be accomplished through the normal evidence destruction process.

Retention periods for recorded media will be according to the computer system settings established by the department, but under all circumstances will be for a minimum of ninety (90) days. Copies of recorded media will be maintained by the Patrol Commander and the Evidence Custodian. Digital Media will be marked the same as any other piece of evidence or property. Officers will not possess copies of recorded media without authorization from the Chief of Police or his designee.

If any person is injured during a recorded incident, the recorded media will be maintained for at least four years from the date of the recording. A copy will be made and retained by the Patrol Commander and the Evidence Custodian.

The Chief of Police or his designee may view, copy and maintain any recorded media file during the course of an internal investigation. The copy will be maintained as a part of the administrative file.
The Training Coordinator may view any recorded media believed to be of value for training purposes. If a recorded media file is determined to be of value for training purposes; will not be required as evidence, and is not the subject of an administrative investigation; the Training Coordinator may receive a copy and retain the file with other training resources. These recordings will be used exclusively for training within the department.

<table>
<thead>
<tr>
<th>RETENTION CATEGORY / (CODE)</th>
<th>RETENTION PERIOD</th>
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<tbody>
<tr>
<td>Non-Citizen Involvement / (NCI)</td>
<td>90 Days</td>
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<tr>
<td>Traffic Stop – Warning / (TSW)</td>
<td>90 Days</td>
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<tr>
<td>Traffic Stop – Infraction / (TSI)</td>
<td>90 Days</td>
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<tr>
<td>Traffic Stop – Misdemeanor / (TSM)</td>
<td>3 Years</td>
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<tr>
<td>Traffic Stop – Felony / (TSF)</td>
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<tr>
<td>Non-Criminal Offenses / (CFS)</td>
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<tr>
<td>Internal Affairs Investigation / (IAI)</td>
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</tr>
<tr>
<td>Criminal Investigation – Non Felony / (CIN)</td>
<td>3 Years</td>
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<tr>
<td>Criminal Investigation – Felony / (CIF)</td>
<td>20 Years</td>
</tr>
<tr>
<td>Accidental Recordings / (AX)</td>
<td>Immediate Deletion Upon Request</td>
</tr>
</tbody>
</table>

- Non-Citizen Involvement: Video that does not contain an interaction with a citizen.
- Traffic Stop Warning: Verbal or written warning, with no citation or arrest.
- Accidental Recordings: Any video deemed inappropriate or accidental that does not illustrate a police function or could be embarrassing to the officer. Accidental Recordings may be deleted immediately by the Patrol Commander if proper documentation has been submitted indicating the reason for deletion.
- Non-Criminal Offenses: Video taken during a routine Call-For-Service that does not constitute a need for criminal charges or investigation. Officers may turn off cameras to avoid unnecessary recordings and protect a person’s right to privacy. Officers will be required to turn their cameras back on, if feasible, when an encounter becomes criminal or hostile.
- IA Investigations: These digital images will be stored for 4 years, unless the suspect was arrested for a felony. In which case the digital files will be stored for a period of 20 years.

An officer shall request digital evidence designated for evidence or safe keeping based on established reason codes listed above. These individual categories will be listed in a “Digital Evidence Preservation Log”. This log book will be located in the records office and will be maintained by the Patrol Commander.
Officers will be required to fill out their requests on a daily basis. The requested digital recordings will be placed on a separate server and remain there until requested for court. It is the responsibility of each officer to insure that their requests have been acknowledged by the Patrol Commander. This will be done by signatures and initials on the Digital Evidence Preservation Log.

C. MVR Equipment

No MVR equipment (audio and/or video) will be used in any department vehicle unless owned and installed by the department according to the manufacturer’s recommendations.

MVR equipment will automatically be activated when the vehicle’s emergency equipment (lights and/or siren) is in operation. Emergency response requires activation of appropriate emergency equipment, which will include MVR equipment.

The MVR may also be activated by manually pressing the record button or turning on the wireless microphone transmitter. The MVR may be deactivated during non-enforcement activities such as protecting accident scenes from other vehicular traffic to conserve recording times and when consulting with other officers or supervisors.

The intention to stop the recording will be noted verbally before deactivation. MVR equipment, including the wireless microphone, will be activated during all occurrences of the following:

1. Traffic stops, including but not limited to traffic violations, stranded motorist assistance and crime interdiction stops.

2. Pursuits.

3. Calls for Service.

4. Prisoner transports.

5. Investigative actions such as field interviews and suspicious persons/vehicles.

6. Any situation or incident that the officer, through his/her training and experience, believes should be audibly and visually recorded.

D. MVR Operator Responsibilities

Only those officers who have received specialized instruction and demonstrated proficiency in the proper operation and use of MVR equipment will be authorized to operate such equipment for enforcement purposes.

The care and security of MVR equipment is the responsibility of the officer assigned to the vehicle. Such equipment will be maintained and operated according to the manufacturer’s recommendations.

Prior to the beginning of each shift, the assigned officer will perform an inspection to ensure that the MVR is performing in accordance with the manufacturer’s recommendations covering the following:
1. The remote audio transmitter has an adequate power source, is connected to the recording equipment, and is functioning properly to remotely activate the system.

2. The camera lens and windshield are free of debris, and the lens is facing the intended direction.

3. The recording mechanism is capturing both audio and visual information.

Any malfunctions of the MVR equipment will be reported to a supervisor who will decide if the unit should be placed in service. Prior to placing the vehicle into service, the officer will report to the immediate supervisor the malfunction, damage or theft of any MVR equipment.

A subsequent written report will include information on the suspected cause(s) of equipment failure, as available, and any recommendation for corrective action. The supervisor will determine if the vehicle will be placed into service. If the vehicle is placed into service without an operating MVR, the Patrol Commander will be notified.

Officers will observe the following general procedures to ensure that the MVR equipment will properly record traffic stops or other enforcement/investigatory actions undertaken in the field:

1. The video camera will be properly positioned and adjusted at the correct viewing angle to visually record the events.

2. The MVR will not be deactivated until the vehicle stop or other enforcement action is completed, including the transportation of prisoners.

3. The wireless microphone will always be turned on in order to provide audio recording as well as video recording during MVR activation, except as is authorized in this directive.

4. The wireless microphone will remain activated at all times during citizen contact to provide narration with the video, and the recording will not be stopped, paused or otherwise interfered with until the investigative action is complete.

5. Officers will ensure they have adequate storage capacity for recorded media to complete their shift.

6. Under no circumstances will an officer be required to terminate the recording of an event except as directed by a supervisor.

E. Digital Operational Protocols

To prevent bleed over and/or noise from other MVRs, only the primary officer initiating the contact will activate his or her audio recorder. Officers will review the recordings when preparing written reports of events to help ensure accuracy and consistency of accounts.

With the exception of police radios, officers will ensure that the volume from other electronic devices within the police vehicle does not interfere with MVR recordings.
Officers do not have the capability of erasing, altering, reusing, modifying or tampering with MVR recordings due to the computer system settings established by the department. MVR recordings will be copied onto a CD or DVD and submitted to the Evidence Custodian to be held for criminal prosecution at the direction of the District Attorney’s Office, or when the officer reasonably believes the recording is necessary for court purposes.

Officers shall not have direct access to digital media or any device or server that stores digital images and audio-video files.

F. Patrol Commander’s Responsibilities

The Patrol Commander will process all requests for digital evidence. Once a request has been made, the Patrol Commander will copy the requested digital evidence and secure it on an external hard drive. The digital evidence will be labeled accordingly and stored pursuant to the department’s retention policy established above.

The Patrol Commander will maintain the digital records system and document all requests by the officer or the court. These requests will require a CD or DVD disc be created to duplicate the digital images on the server and stored in evidence by the Evidence Custodian. Copies made pursuant to a request will be turned over to the requesting officer. An officer will receive a maximum of two copies of any digital file. One will go to the District Attorney’s Office and one for the Defense Attorney. Any additional copies must be approved and performed by the Patrol Commander.

The Patrol Commander will conduct selected reviews of recorded media for officers of the department and report to the Patrol Lieutenant for review of officer under their direct supervision once each week in order to:

1. Assess officer performance.
2. Assure proper functioning of MVR equipment.
3. Determine if MVR equipment is being operated properly.
4. Identify recordings that may be appropriate for training.
5. Ensure that personnel who are newly assigned MVR equipment are operating it within departmental policy.

Minor infractions discovered during the routine review of recorded media will be viewed as training opportunities and not as routine disciplinary matters. Should the behavior or action become habitual after being informally addressed, the appropriate disciplinary or corrective action will be taken.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers with the guidelines for providing supplemental traffic services.

II. POLICY

It is the policy of this law enforcement agency that Officers will provide services indirectly related to traffic and will respond to citizen’s requests for roadside assistance.

III. INTRODUCTION

The Department realizes that public service is a vital part of Law Enforcement work. Officers of the Department will strive to assist motorists and provide services when needed. These services will include: general assistance, emergency assistance, providing information and directions, reporting roadway hazards, locating and recovering stolen vehicles and towing and storage of abandoned vehicles.

IV. DEFINITIONS

**Abandoned Motor Vehicle**: A motor vehicle that is:

- Left on a street or highway in violation of a state law or Town Ordinance prohibiting parking.
- Left on property owned or operated by the Town for longer than 24 hours without the consent of the Town.
- Left on private property without the consent of the owner, occupant, or lessee for longer than two hours.
- Left on any public street or highway for longer than seven days without valid registration or license plate.

**Junked Motor Vehicle**: A motor vehicle that:

- Is partially dismantled or wrecked.
- Cannot be self-propelled or moved in the manner in which it was originally intended to move.
- Is more than five years old and appears to be worth less then one-hundred dollars.
Tow: To remove a vehicle by any means and store it.

IV. PROCEDURES

A. Towing Services

Requests for towing services will be handled in one of the following three ways:

1. The officer may offer to have a rotation wrecker dispatched.

2. The officer may refer the individual to the services advertised in the telephone directory.

3. Any local towing service may be summoned at the vehicle owner/operator’s request. If the roadway is obstructed, the officer on the scene should ensure that the requested towing service can respond within 30 minutes. Officers will not refer motorists to specific towing or mechanical services.

The Communications Center will maintain a log of towing services approved by the Chief of Police. Rotation towing services will operate under a contract supervised by the Patrol Commander. The services will be listed in order and repeated on a rotating basis.

When a rotation wrecker is requested for any reason, the Communications Center will notify the next service on the list. In cases where two or more wreckers are needed, only one service should be requested. Other services should be requested only if the first service called cannot accommodate the needs.

If the first service requested does not respond to the scene within 30 minutes, the Communications Center will notify the service that they are not longer needed and will dispatch the next service on the list.

Towing for other agencies will not be authorized or arranged by Departmental personnel. However, the names and numbers of local towing companies will be provided upon request.

B. Stranded Motorists

1. Response Procedures

Stranded motorists will not be left unattended in dangerous situations. Consideration of the needs of the motorist, weather conditions, location, time of day, and other calls for service must be made when determining the appropriate way to assist stranded motorists. Officers will follow these guidelines:

a) If motorists must be left unattended, officers should use flares or cones to provide greater attention to the existing condition for other motorists.

b) Officers will notify the Communications Officer of the location and nature of the stranded motorist.

c) Officers will have the Communications Officer contact a taxi or other
alternative means of transportation if requested by the motorist.

d) Officers may transport residents of Cary to their residences. When officers transport motorists of the opposite gender, the Communications Officer will be advised of the starting and stopping odometer reading, the originating location, and the destination.

e) If assistance cannot be obtained immediately for the motorist, the officer may transport them to the police station lobby where a telephone and shelter from the weather are available.

f) During periods of adverse weather, extra effort should be made to assist motorists and pedestrians with transportation to appropriate services or shelter.

2. Emergency Assistance

Officers will render emergency assistance to stranded motorists. Officers should promptly notify the Communications Officer as to the nature of the emergency and request additional fire or rescue services as needed. The officer will serve as liaison for the motorist to ensure an appropriate and rapid response.

3. Emergency Escorts

Emergency escorts for other vehicles are not allowed except in the case of escorting other emergency vehicles. This type of escort may be necessary if an emergency vehicle has lost the use of emergency equipment or if personnel are unfamiliar with directions.

If an officer encounters a motorist requesting an emergency escort to an emergency medical treatment facility, the officer will offer to summon an ambulance. If ambulance services are refused, the officer will offer to escort the vehicle. If the offer is accepted, all traffic laws must be obeyed. If the offer is rejected, the officer will allow the vehicle to proceed with instructions to obey all traffic laws.

If an officer encounters a situation which he/she determines to be life-threatening and the above provisions are not adequate to meet the need, the officer may transport the victim to the nearest emergency medical facility.

C. Assistance for Motorists Locked Out of a Vehicle

Upon arriving at the scene, the officer should determine if there are persons or pets locked inside the vehicle who may need medical assistance. If there is risk of injury or death to persons or pets locked inside the vehicle and immediate action is necessary, the officer is authorized to break a window with a center punch tool provided by the Department. If time permits, the officer should request that the owner or person in control of the vehicle sign a liability waiver form provided by the Department.

The use of a 'slim jim' or other similar type device by an officer to open a vehicle door is prohibited.
If there is no risk of injury or death to persons or pets locked inside the vehicle, or if there is no one locked inside the vehicle, the officer will offer to stand by with the motorist until a towing service or locksmith arrives. The officer may assist the motorist by having the Communications Officer call a towing service, but the officer may not recommend a specific towing service or locksmith.

Officers are authorized to break a vehicle window and gain access in these instances only with the signed waiver of the person in control of the locked vehicle.

D. Jump Starting Vehicles

1. Purpose

The purpose of this policy is to establish the procedures to be used by officers to safely jump-start vehicles with discharged batteries.

2. Restrictions

Due to possibly damaging high-tech equipment that is in most police vehicles, officers should use the department’s jump boxes to jump-start other police or public safety vehicles, whenever possible. All of the equipment in the vehicle that requires jump-starting needs to be turned off. The modem, which is located in the trunk, needs to be disconnected to prevent it from being deprogrammed.

Occasionally a jump box may not start a vehicle and it becomes necessary to use a police vehicle to jump-start the vehicle. In these instances, a police vehicle without the high-tech equipment, such as the army truck or animal control truck, should be used. The radio in these vehicles should be turned off prior to the jump-start.

In those instances when it is necessary to use a police vehicle with high-tech equipment to assist in jump-starting another vehicle, all equipment in both vehicles, including the police radio, should be turned off and the modem(s) should be disconnected.

Communication officers and police officers should typically refer citizens that request a jump-start to local towing services (not mentioning any business specifically by name). Officers, with supervisory approval, may use jump boxes to jump-start civilian vehicles during late night hours or when other safety concerns exist.

Officers will not attempt to jump-start any vehicle under the following circumstances:

a) When the vehicle has been involved in an accident; or

b) When there is any possibility that flammable gases or liquids may be present; or

3. Procedures
Officers should be aware that while jump-starting a vehicle is a fairly common task, it can result in serious personal injury if done improperly.

The major hazard comes from the possibility of a battery explosion. An explosion may result when hydrogen gas given off by the battery collects in a confined area, mixes with oxygen, and is ignited. The resulting explosion may rupture the battery case and throw battery acid onto anyone nearby.

The most common sources of battery explosions come from electrical sparks and open flames. To safely jump-start a vehicle when a jump box is not being utilized, the following procedures will be used:

a) Position the vehicles, so that they do not touch and extinguish all smoking materials.

b) Turn off any high tech equipment, including the police radio and disconnect the modem.

c) If the discharged battery has filler caps, check the fluid level in each cell, adding clean tap water as necessary.

The last connection made with the cables is the connection that will spark. To reduce the possibility of an explosion, this connection should be made away from a battery. Connect the cables in the following order:

a) Positive (+) terminal of the discharged battery.

b) Positive (+) terminal of the good battery.

c) Negative (-) terminal of the good battery.

d) A grounded engine or frame part of the vehicle with the discharged battery. Do not connect to the negative terminal of the discharged battery.

e) Remove the jumper cables in reverse order.

Officers should be made aware that improper hook-up of batteries could damage the police vehicle radio and other solid state instruments. Such an act could be deemed as negligence.

Officers should take care to prevent battery fluid from contacting skin or clothing. Any contacted areas should be flushed immediately with water. Immediate medical assistance should be sought if the eyes are involved.

E. Vehicle Towing and Owner Notification

1. Towing Vehicles that are Traffic Hazards

Vehicles that are left in the roadway or that constitute an immediate risk to other motoring vehicles if not removed are considered traffic hazards. Officers will follow these procedures:

a) The officer will have the Communications Officer identify and attempt to
contact the registered owner. The officer will wait at least 15 minutes for the owner/operator to remove the vehicle. The length of the waiting period may be shortened upon authorization from the officer’s supervisor. This determination should be made based on traffic conditions and existing calls for service.

b) If the vehicle must be towed, a towing service will be contacted based upon the rotation wrecker schedule located in the Communications Office. Any vehicle towing will require the officer to complete all related Departmental report forms and a Notice of Vehicle Towing. The Records Clerk will mail a copy of the Notice of Vehicle Towing to the registered owner via first class mail.

c) The officer should attempt to notify the registered owner by phone that his/her vehicle has been towed and the location of storage.

2. Towing Junked or Abandoned Vehicles

When a vehicle is being towed for any reason other than the driver’s arrest, a collision, emergency, or towing by owner’s request, officer’s will:

a) When Towing from State or Local Roadways:

Follow the procedures set forth in the Town of Mayodan Code of Ordinances, Chapter II, Article 4, Section II.44, which specifies conditions for towing junked or abandoned vehicles. Officers will:

1) Place an orange vehicle towing warning sticker on the vehicle.

2) Complete an Abandoned or Junked Vehicle form and immediately mail a copy to the registered owner via first class mail.

3) After a minimum of five (5) days, be authorized to have the vehicle towed

4) If the vehicle is towed:

   (a) Place a parking ticket on the windshield or other conspicuous location on the vehicle with the appropriate violation indicated.

   (b) Complete the appropriate report and Notice of Vehicle Towing form.

   (c) Notify the registered owner via first class mail, enclosing a copy of the Notice of Vehicle Towing form in accordance with North Carolina General Statutes 20-219.9 through 20-219.14.

b) When Towing from US Highways: (US 220):

Follow provision set forth by NCGS. 20-161(e) which specifies conditions
Mayodan Police Department Policy Manual

for towing from the right-of-way of a public highway. Officers will:

1) Place an orange vehicle towing warning sticker on the vehicle.

2) Complete an Abandoned or Junked Vehicle form and immediately mail a copy to the registered owner via first class mail.

3) After a minimum of 24 hours, be authorized to have the vehicle towed.

4) If the vehicle is towed:
   (a) Complete the appropriate report and Notice of Vehicle Towing form.
   (b) Notify the registered owner via first class mail, enclosing a copy of the Notice of Vehicle Towing form in accordance with NCGS 20-219.9 through 20-219.14.

3. Towing Pursuant to Arrest

   An officer may have a vehicle towed pursuant to the driver’s arrest if the vehicle or its contents is evidence of criminal activity, if it will create a hazard, or if the officer believes the vehicle will be a security risk. Otherwise, it is permissible for the officer to leave the vehicle. The following guidelines will apply:

   a) The officer may allow the driver to move the vehicle a short distance, provided it will not constitute a continuation of the offense. For example, a driver suspected of impaired driving should not be allowed to move his/her vehicle.

   b) The officer may move the vehicle a short distance with the owner/operator’s permission.

   c) If a vehicle is not towed, the officer should make reasonable attempts to secure valuable items in the trunk.

   d) The officer should allow the owner/operator the courtesy of selecting a towing service or person of his/her choice to remove the vehicle if it requires removal. A minimum of 30 minutes should be allowed for the towing service to respond.

   e) If towing the vehicle is optional, the officer should inform the owner/operator that the vehicle may be secured and left at the scene, or removed by a towing service or person of their choice.

   f) If the owner/operator is uncooperative, the officer is authorized to have the Communications Officer summon the next available rotation wrecker.

   g) If the vehicle is towed, the officer should advise the owner/operator of the towing service used and complete the appropriate departmental report forms.
4. **Vehicle Storage**

The following applies to the storage of vehicles towed pursuant to arrest:

a) Vehicles should be towed to an approved storage lot by an approved rotation towing service. Contact information for rotation towing services is maintained in the Communications Center.

b) With the exception of vehicles owned by the Town, no vehicles will be towed and stored at the Department’s Impound Lot for any reason without authorization by the Chief of Police or his designee.

c) Vehicles towed to facilitate further crime scene processing may be stored temporarily at the Department’s Impound Lot or at an approved storage lot as specified by the Department’s rotation towing services contract. Upon completion of crime scene processing, vehicles stored at Impound Lot will either be released to the owner or towed to an approved storage lot.

d) When an officer seizes a vehicle subject to forfeiture that may be suitable for use by the Department, the Patrol Commander must provide authorization for holding the vehicle. As soon as practical, the Investigations Commander will subsequently contact the District Attorney’s Office to determine if seizure is warranted. In most cases, a hold will not be authorized without prior written approval by the District Attorney’s Office.

e) A seized vehicle subject to forfeiture will be held and stored at the Department’s Impound Lot. Vehicles will be towed to the Impound Lot by a rotation wrecker service, and secured inside the storage area.

f) In the case of “jump and runs,” officers should use other investigative techniques to identify the operator other than a hold.

g) When a vehicle is towed subject to mandatory seizure under the DWI statutes, all provisions of the applicable statutes will be followed.

h) With the exception of mandatory seizures under the DWI statutes or stolen vehicles that have been recovered and are being held pending release to the lawful owner, officers will not advise towing service operators that any vehicle is under a hold for any reason without authorization by the Chief of Police or his designee.

i) Prior authorization by the Chief of Police or his designee is required in all cases where the Town of will be responsible for paying the storage bill. In the absence of this authorization, officers should advise rotation towing service operators that the Town will not be responsible for the bill.

5. **Vehicle Inventory**

When an officer as a vehicle towed for any of the aforementioned reasons or at a
traffic crash where the owner of the vehicle or other lawful and capable person cannot take possession of property, a vehicle inventory will be completed.

a) The inventory will encompass the interior and truck areas to record all property in the vehicles.

b) Locked, sealed or closed containers such as suitcases, packages, or boxes will be opened when the contents cannot be determined from an examination of the containers exterior. However, locked or sealed items will not be forcibly opened in order to inventory the contents if doing so will cause damage to the container.

c) The vehicle trunk and/or glove compartment will not be forcibly opened in order to inventory the contents of those areas.

d) All property will be documented on the Vehicle Inventory Form.

e) Any evidence, contraband, or fruits of a crime discovered during an inventory may be admissible in an ensuing prosecution and will be handled in accordance to General Order, Section III, 3.06 Evidence and Property.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers of this agency with the guidelines for traffic enforcement.

II. POLICY

It is the policy of this law enforcement agency that officers will enforce traffic laws and regulations in a fair and equitable manner in an effort to increase voluntary compliance with motor vehicle laws, deter collision causing violations, and promote the safe and efficient flow of traffic. The stopping of individuals based solely on a common trait of a group, commonly known as ‘bias based profiling,’ is prohibited. Bias based profiling includes, but is not limited to race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group or any other identifiable group.

III. INTRODUCTION

A. General Guidelines

Traffic enforcement involves all police activities related to the observation, detection, and apprehension of traffic law violators. All sworn employees will be observant for traffic violations and will take the appropriate enforcement action when substantial violations are observed. Traffic enforcement activities may be either proactive or reactive as the result of an observed violation, citizen complaint, traffic collision analysis or selective enforcement measures.

Enforcement action may be made through physical arrest, citation, written warning, or verbal warning. Each situation will require that the officer evaluate the violation and determine the most appropriate type of enforcement action. Enforcement will be made in a courteous, civil, and impartial manner.

B. Goals and Objectives

Each year the Captain of Police will be responsible for developing a set of goals and objectives for the Department to achieve through traffic enforcement. The Captain will:

1. Seek input from affected employees in the development of goals and objectives.
2. Describe goals and objectives in a manner that is measurable and attainable.
3. Forward goals and objectives to the Chief of Police.
4. On an annual basis, evaluate the previous year’s traffic efforts and forward to the Chief of Police a report that outlines traffic enforcement efforts compared to
stated goals The results of each year’s traffic enforcement efforts, along with the current year’s goals, will be available for every officer to review.

IV. PROCEDURE

A. Traffic Enforcement Actions

Definitions:

1. **Warning** - A warning may be either verbal or written. Warnings are appropriate when:
   a) There has been a minor infraction of the law or an equipment violation.
   b) There is a unique violation such as improper loads or load dimensions.
   c) The violation was inadvertent and the operator was not aware of the violation.

2. **Citation** - The North Carolina Uniform Citation is used by officers to charge persons with infractions and misdemeanors. Officers will issue citations to operators whose violations create a substantial danger to other motorists, pedestrians, or bicyclists.

3. **Physical Arrest** - Physical arrest occurs when an officer takes physical custody of a person. Officers will make physical arrests for violations of impaired driving offenses and may arrest for violations of revocation or suspension orders at their discretion.

B. Out-of-State Violators

Violators who reside out of state may be arrested under certain conditions. Officers should exercise discretion and ordinarily abstain from physical arrest of nonresidents of North Carolina unless they have committed offenses that would result in suspension or revocation of their driving privilege under North Carolina law.

Out-of-state violators can be arrested if they:

1. Reside in a state that is not a member of the Nonresident Violator Compact and have committed a misdemeanor (They cannot, however, be arrested for committing an infraction.)

2. Reside in a state that participates in the Nonresident Violator Compact and
   a) The violation would result in the revocation or suspension of their driving privilege under North Carolina law; or
   b) The nonresident violator refuses to sign the reciprocal agreement for a misdemeanor offense.

C. Juveniles

Generally, juveniles who have committed a traffic violation will not be taken into
custody. The parents, custodian, or legal guardian will be notified and the juvenile released into their custody. The officer will obtain the juvenile’s name and date of birth, the parents’ names, the address of both parents, and a telephone number for both parents.

The officer may seek a juvenile petition from a juvenile intake officer. In all cases where a juvenile is taken into custody, the officer is responsible for notifying the juvenile’s parents of the circumstances as soon as possible. If the officer deems that further custody is required pending a hearing, he/she must contact the juvenile court intake officer for authorization. All juvenile custody situations will be handled in accordance with North Carolina General Statute 7B.

D. Uniform Traffic Enforcement

Uniform enforcement of motor vehicle laws is intended to deter motorists from committing violations and to encourage voluntary compliance with traffic laws. Officers will use good judgment when considering what type of enforcement action to take.

Officers should consider all circumstances and conditions existing at the time of the violation before deciding on the appropriate course of action. Officers will adhere to the following guidelines for various types of violations:

1. Driving While Impaired

   Officers will aggressively enforce impaired driving laws. Violators will ordinarily be arrested once an officer has developed the opinion that the violator is appreciably impaired. The determination to arrest will be made after considering the driver’s actions with the vehicle, the driver’s demeanor, statements, appearance, and the outcome of field sobriety tests.

2. Speeding Violations

   Officers will issue citations to violators who have operated their vehicle at a speed that creates a significantly increased danger to persons and property. The officer will consider factors such as road design, time of day, and location.

3. Other Hazardous Violations

   Officers will consider the severity of the hazard, location, and previous accident history.

4. Equipment Violations

   Officers will consider the nature of the equipment defect and overall condition of the vehicle. Many equipment violations are not known to the operator and will be corrected when brought to the operator’s attention. Most equipment violations can be appropriately handled with warnings.

5. Off-Road Vehicles

   Off-road vehicles are subject to the same legal standards as other motor vehicles.
when operated on streets and highways. Registration, financial responsibility, 
equipment and helmet violations are common, flagrant violations that often 
create substantial danger and financial risk to motorists when involved in 
collisions. Officers will consider these offenses seriously.

6. Commercial Vehicle Violations

With few exceptions, commercial vehicle violations will be considered in the 
same manner as private vehicles. In some cases, officers should consider that the 
type of vehicle and cargo may create a significantly more hazardous situation than 
a car under similar conditions. Some laws apply only to special vehicles, such as 
the State law requiring a blood alcohol concentration of .04 for commercial 
vehicle Driving While Impaired charges.

7. Other Non-Hazardous Violations

Warnings are usually appropriate for other non-hazardous violations.

8. Multiple Violations

Officers may use discretion in multiple violations and may cite as many as is 
appropriate. However, officers should normally arrest or cite for the most serious 
violations and consider warnings for others. In cases involving pursuits or Driving 
While Impaired, officers should not feel compelled to charge every violation.

9. Newly-Enacted Laws and Regulations

Typically, grace periods are established during which warnings are appropriate. 
After the grace period, officers will use their discretion dependent upon the 
nature of the violation.

10. Parking Violations

Officers will make every effort to identify and contact the vehicle owner and ask 
for the violation to be corrected. If the owner cannot be contacted or will not 
correct the violation, a parking ticket will be issued. If the vehicle is in a "No 
Parking" zone, the officer may issue a parking ticket and/or make a reasonable 
effort to contact the owner to remove the vehicle.

No ticket should be issued if it appears that the vehicle is disabled. If a vehicle is 
in the roadway and creating an immediate danger, officers will make reasonable 
efforts to locate the owner and have the vehicle removed. Officers will wait a 
reasonable time for the owner to return or call the Police Department with 
information.

If there is no contact in 15 minutes, the officer may proceed with towing the 
vehicle from the street. In special conditions such as bad weather, high traffic 
volume, or low visibility, the waiting period may be waived by the officer's 
supervisor if it is apparent that the vehicle owner/operator is not readily available.

11. Pedestrian and Bicycle Violations
Bicycle operators are subject to many of the same laws that apply to motor vehicles. Officers will consider the nature and severity of the violation when deciding whether or not to cite an individual for a pedestrian or bicycle violation.

Often a violation will occur when citizens lack understanding of the law. In such instances, providing the violator with information on the law may be the appropriate course of action.

Officers will be conscious of pedestrian safety during patrol. Pedestrians should be encouraged to walk on sidewalks if available, and to walk facing traffic in the absence of sidewalks. Officers should also encourage pedestrians to cross at intersections or marked crosswalks whenever possible. In residential areas, officers should discourage persons from playing in the streets.

E. Traffic Patrol Procedures

1. Types of Traffic Patrol

The following types of traffic patrol may be used for traffic enforcement:

   a) Area Patrol - Moving or stationary observation in the officers’ area of assigned responsibility.

   b) Line Patrol - Moving or stationary observation on a specified route between two points, usually on one city street or a section of highway.

   c) Stationary Patrol - Observation of specified locations due to collision history or specific traffic flow problems for the purpose of detecting violators and deterring possible violators.

   d) Directed Patrol - Area, line, or stationary patrol at the direction of a supervisor for specified times and violations.

   e) Roadside Safety Checks - Preplanned, systematic stopping of vehicles to check motorists for compliance with motor vehicle laws.

Stationary observations may be made from covert or overt locations dependent upon the nature of the problem and the type of location to be observed. Observation from conspicuous locations will serve to deter violators. Covert observations will likely offer the opportunity to detect more violators.

Similarly, the use of unmarked vehicles will serve little deterrent purpose but will likely afford greater opportunity for detecting violators. Use of unmarked vehicles in traffic enforcement will be at the discretion of the Patrol Division Commander.

Officers should park their vehicles in conspicuous locations on streets with significant traffic problems to serve as a deterrent to motor vehicle violations while carrying on routine operations such as report writing.

Roadside safety checks require the advance approval of the Shift Supervisor, a minimum of two officers to conduct the checkpoint, a systematic plan which designates a pattern for stopping vehicles and routing normal traffic, and
consideration given to visibility and stopping distance, traffic volume, call volume, and staffing levels.

2. Officer's Duties During a Routine Traffic Stop

The goals of a traffic stop is to take proper enforcement action and to alter the violator's future driving behavior. Officers should accomplish these goals with minimal conflict with the violator by conducting the traffic stop in an organized and professional manner. Officers will:

a) Present a confident and professional image.

b) During the initial approach with the violator greet him/her with an appropriate title; Introduce themselves by name and rank; Inform the violator of the purpose of the traffic stop; Request the violator's operator's license and registration.

c) Discuss the violation and required actions in a civil and courteous manner.

d) Note any signs of impairment, emotional distress, or illness.

e) Make a reasonable effort to answer the violator's questions and to assist him/her with entering back into the flow of traffic.

3. Delivery of Violator's Citation Copy

At the time a motorist is charged with a violation, the officer will give him/her a copy of the citation. The delivering officer should make every reasonable effort to explain to the violator the charge, court date and time, court appearance or waiver as applicable, court costs, and fine.

If the officer is uncertain if the court appearance is mandatory or can be waived, he/she should instruct the motorist to contact the Clerk of Court's office to determine if the appearance is mandatory or if they may enter a plea and pay the fine and costs by mail. The officer should make every effort to provide any other information to ensure that the motorist has understood the instructions and has no questions.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers with the guidelines for performing motor vehicle accident investigations.

II. POLICY

It is the policy of this law enforcement agency that Officers will report and investigate each collision occurring within the jurisdiction that is required to be reported to the North Carolina Division of Motor Vehicles. Officers at the scene of collisions will provide other assistance including care for the injured and protection of the scene.

III. DEFINITIONS

DMV-349: The identifying number of the Collision Report Form used by all law enforcement agencies in North Carolina for reporting motor vehicle collisions to the North Carolina Department of Transportation, Division of Motor Vehicles.

Collision: An incident involving a motor vehicle that produces injury or damage. Injury includes fatal injury.

IV. PROCEDURE

A. Collisions Required to be Reported

The following collisions are required to be investigated and reported to the North Carolina Division of Motor Vehicles using the DMV-349 form:

1. Collisions resulting in property damage to an apparent extent of $1,000 or more.

2. Collisions resulting in property damage to an apparent extent of less than $1,000, if one of the involved drivers or vehicle owners requests that a collision report be completed and filed, including cases where damage is minimal or there is no obvious sign of damage.

3. Collisions that cause personal injury or death.

B. Non-Reportable Collisions

When an officer is called to the scene of a collision that appears to have resulted in property damage to an extent of less than $1,000 and would therefore not require the completion of a DMV-349 report, the officer will begin investigating the incident as if
preparing to submit a complete DMV-349. Officers will not initially discuss the fact that the incident may be non-reportable.

If during the course of preparing the report all parties mutually agree to settle the matter between themselves, without any prompting or discussion on the part of the officer, the officer will discontinue the completion of the report. The only situation in which the report should be discontinued is when all parties independently discuss and agree to handle the matter.

It must be their idea. If during the course of the conversation the officer is asked for information to help the involved parties decide, the officer should inform them of the option to handle the matter without filing a DMV-349. The officer should also inform all parties that the Call for Service information entered into RMS is available should they need a written record.

If one or more parties come to the Department to report a collision which was initially thought to be non-reportable but later determined to exceed the $1,000 limit, a complete investigation will be conducted. The involved parties must have a written estimate of the damages that includes a dollar amount to ensure that the collision is reportable.

When only one party comes to the Department with an estimate that exceeds $1,000 and the involved parties originally agreed to handle the matter between themselves, the officer will contact the other parties for information and file a complete DMV-349.

When only one party comes to the Department to report a collision with an estimate less than $1,000 and the involved parties originally agreed to handle the matter between themselves, the officer will refer them to civil court. Under no circumstances will an officer complete a DMV-349 report with information from only one party.

C. Charges

Officers will charge drivers with infractions or criminal violations when collisions result in or involve death, serious injury, hit-and-run, impaired driving, driving while license revoked, no driver’s license, and violations of financial responsibility laws. Officers may also charge violators in any situation where they believe there has been a flagrant or careless disregard for the law.

Officers assigned to patrol and traffic duties will use all available time to monitor traffic in their assigned areas and strictly enforce any observed substantial violations of the law. Special attention will be given to school zones during school hours. Officers will cite offenders under state statute as often as possible, as opposed to citing under municipal ordinances.

D. Reporting

DMV-349 Collision Report forms will be completed in accordance with the instructions found in the North Carolina Collision Report Instruction Manual published by the North Carolina Department of Transportation, Division of Motor Vehicles. Copies of this manual are kept in the Communications Center.
Officers will assist all drivers involved in motor vehicle collisions by providing the report number, the other driver's name and phone number, and insurance information on a Department exchange slip.

E. Response Procedures

Officers will respond to any collision involving the following circumstances:

1. Death or serious injury.
3. Impaired operation due to alcohol, drugs, or other impairing substances.
4. Damage to public property.
5. Hazardous materials spills.
6. Disturbances between parties involved in a collision.
7. Major traffic congestion as a result of a collision.
8. Damage to vehicles that requires towing.

Officers will respond to collisions in a manner that complies with all state, local, and departmental policies.

F. Responsibilities of First Responding Officer

The first responding officer is in charge of the collision scene until relieved by a supervisor or the investigating officer. The first responding officer will:

1. Activate emergency warning lights; Bright headlamps and/or alternating headlamps should not be used unless visibility is reduced due to fog, snow, rain, etc.
2. Park his/her marked patrol vehicle in a location that offers the greatest visibility of the emergency lighting equipment to motorists approaching the collision location.
3. Immediately determine if there are injuries requiring emergency medical attention; Officers will evaluate the scene and determine if any additional officers, equipment, or emergency services are needed; Any additional services will be requested through the Communications Center.
4. Maintain traffic control to prevent further collisions or injury; Request additional officers as needed.
5. Protect evidence at the scene and identify witnesses as soon as possible.
6. As soon as practical, have the vehicles, persons, and debris removed from the roadway to ease congestion and further reduce the possibility of subsequent collisions; Following collisions requiring more extensive investigation, nothing
should be moved until its location has been recorded.

7. If the vehicles are inoperable, make reasonable efforts to allow the drivers or vehicle owners to have the vehicles removed by a towing service of their choice; Do not recommend a towing service; If the driver/owner does not have a preference, have a towing service summoned using the rotation list in the Communications Center; The towing service should be limited to a 30 minute response.

8. Immediately report disruption in any utility service to the Communications Center so the appropriate authority can be notified.

9. Immediately report collisions on or near railroad tracks to the Communications Center so the appropriate railroad company can be notified.

G. Responsibilities of Assigned Officer

The reporting of each collision will be the responsibility of the officer assigned by the Communications Center. The assigned officer may not be the same as the first responding officer. Commanders or Supervisors may order a change in assignment.

In cases involving very serious injury, felony hit-and-run, or fatalities, the Shift Supervisor on duty may request that an officer specially trained in collision investigations respond to the scene to investigate the collision.

The investigating officer may, with the approval of the Shift Supervisor, request additional expertise and/or assistance. This request should only be made after the determination that the accident requires special skills or resources beyond the officer's or the Department's capabilities.

The use of experts should be limited to collision investigations involving fatalities, hit-and-run, and/or serious personal injuries where the investigating officer does not have the training or resources necessary to conduct that portion of the investigation. Experts may include mechanics, photographers, re-constructionists, metallurgists, etc.

Collisions involving fatalities will be reported by the assigned officer to the highest-ranking supervisor on duty. The Shift Supervisor on duty will coordinate arrangements for the notification of next-of-kin.

The reporting officer must collect all necessary data to accurately complete the North Carolina Collision Report Form (DMV-349). All reportable collisions occurring within the jurisdiction must be documented using this form. Private property collisions will be reported with the same detail and accuracy as those on public highways.

Measurements of tire marks and distance traveled after impact should be taken for all reports. Collisions involving fatalities, felony hit-and-run, hazardous materials, impaired driving, and serious personal injury should be investigated to the greatest extent possible. Measurements, photographs, collection of evidence, gathering of information, statements, and vehicle examinations should be completed in a manner consistent with any other criminal investigation. The investigating officer will file appropriate charges in these collisions.
H. Collisions Involving a Police Vehicle

In the event of a traffic collision involving an officer operating a Town vehicle and resulting in the immediate death of another, the on-duty Shift Supervisor will request that the North Carolina State Highway Patrol assume responsibility for the investigation.

The officer will be automatically assigned to an administrative duty assignment under the direction of the Chief of Police. This assignment does not imply or indicate that the officer acted improperly.

I. Collision Investigation and Emergency Supplies

Each patrol vehicle should contain the following collision investigation and emergency care supplies:

1. Roll tape measuring device.
2. Flares.
3. Basic first aid kit.
4. Fire extinguisher.
5. Two blankets.
7. Reflective Traffic Vest.
8. Flashlight with wand.
10. Seat belt cutter.

Each officer should carry the following articles in his/her vehicle while on duty:

1. Motor vehicle traffic collision template.
2. Information exchange slips.
3. DMV-349 forms.
4. DMV-349C forms. (Commercial Vehicle Supplement Report)
5. Departmental reports manual

J. Property of Collision Victims

When a vehicle involved in a collision must be removed from the scene, the reporting officer will advise the driver, owner, and other occupants of the vehicle to recover any personal property that they do not wish to leave with the vehicle.
If the officer must handle personal belongings for identification purposes, he/she should attempt to do so in the presence of witnesses. When it is necessary to recover personal belongings for safekeeping, the officer will complete an information report and evidence form. The property will be placed in the Department’s evidence holding facility.

K. Fire Hazards

Officers should recognize fire hazards and inform the Communications Center to dispatch fire units when needed. If an officer is unsure whether or not a fire unit is needed, one should be requested.

The Fire Department will assess the situation. Fire units in Cary are first responders and will be dispatched to all collisions involving personal injury, overturned vehicles, fuel or petroleum leaks, and hazardous material spills.

Officers responding to the scene of a motor vehicle collision involving or suspected to involve hazardous materials will follow the appropriate departmental directives pertaining to hazardous materials incidents. The investigation of a collision involving hazardous materials will be suspended until such time as conditions will allow for the safe resumption of investigative activities. (See 5.19 Hazardous Materials Incidents)
I. PURPOSE

The purpose of this policy is to communicate our Department’s model pursuit and emergency response guidelines and is designed to assist in the safe performance of law enforcement duties and to contribute to the public’s safety.

II. POLICY

It is the policy of this law enforcement agency that Officers will follow the guidelines set forth, as it relates to the responsibilities at each stage of a pursuit, the functions and limitations of vehicles and emergency equipment, pursuit rules and pursuit guidelines, pursuit reporting, public relations responsibilities, psychological and physiological factors, and the liabilities of a vehicular pursuit.

III. DEFINITIONS

A. Motor vehicle pursuit is an active attempt by a law enforcement officer, while using the vehicle’s emergency equipment, to apprehend one or more occupants of another motor vehicle when the driver of the fleeing vehicle is aware of that attempt and is avoiding apprehension by:

1. Ignoring the officer;
2. Attempting to elude the officer;
3. Maintaining, increasing, or exceeding the legal speed limit; or
4. Refusing to stop.

B. Emergency response driving is when an officer, while using the vehicle’s emergency equipment, is enroute to a call for service.

C. An emergency vehicle is an authorized vehicle meeting the minimal standards for safety and is equipped with emergency notification equipment.

D. A non-traditional police vehicle is any police vehicle other than a standard marked police car such as, but not limited to:

1. K-9 Unit;
2. Unmarked Unit; or
3. Police Motorcycle

E. Emergency warning devices are a means of communication. Communication is a
process involving sending the message, receiving the message, and confirming an understanding of the message.

F. Tire deflations devices are defined as devices specifically designed to puncture the tires of a fleeing vehicle, causing the tires to deflate in a controlled manner and render the vehicle less capable of further operation.

NOTE: For the purposes of this policy, guidelines for pursuits and emergency responses shall be the same regardless of whether or not one of these is mentioned specifically by name.

IV. INTRODUCTION

A. Considerations

1. Vehicular pursuits can be dangerous for the public, officers, and suspects. A motor vehicle pursuit is justified when the necessity for immediate apprehension of a person or persons suspected of a dangerous felony outweighs the level of danger created by the pursuit. This policy helps regulate the manner in which vehicular pursuits are perceived and performed, and will help officers achieve a higher level of judgment and discretion concerning a possible pursuit.

2. Factors to be considered when determining to initiate, continue, or terminate a pursuit are:

a) Pursuit vehicle capabilities;

b) Time of day;

c) Volume of vehicle traffic;

d) Volume of pedestrian traffic;

e) Location;

f) Weather conditions;

g) Road conditions;

h) Speeds involved;

i) Likelihood of later apprehension;

j) Danger if suspect is not immediately apprehended;

k) Vehicle being pursued is a stolen law enforcement vehicle; or

l) Suspect has previously been or is currently involved in a felony.

NOTE: If the hazards of the pursuit are greater than the hazards of the offense, do not pursue!

B. Personnel Restrictions
Police units should not engage in a pursuit or an emergency response when there is anyone who is not a Departmental employee or sworn law enforcement officer of another agency in the police vehicle. This includes, but is not limited to the following:

1. Transporting prisoners;
2. Disabled motorists;
3. Family members; or
4. Any other civilians.

C. Statistics

According to state and federal statistics:

1. Innocent third parties make up 42% of persons killed or injured in police pursuits;
2. One pursuit in five leads to a traffic fatality;
3. In only 1% of the cases was someone in the car wanted for violent crimes;
4. Only 20% of the pursued cars had been stolen;
5. Law enforcement officers cause more injuries as a result of vehicle crashes than they do with intentional use of force; and
6. 50% of all pursuit collisions occur in the first two minutes of the pursuit.
7. Compared to types of police actions, pursuit leads the list for risk of injury to the public, the violator, and the officer.

   **NOTE:** Annually, more officers are killed or seriously injured during motor vehicle pursuits than from confrontations with armed suspects.

D. Liability

Officers commonly believe that they have a duty to apprehend and may be held civilly liable for failure to apprehend a suspect who later causes injury to a third party. This idea is incorrect.

E. Prosecution

Police officers are not protected from criminal prosecution for violations of motor vehicle law. Careless behavior and indifference for the rights and safety of others can affect your career, finances, or expose you to civil liability. Careless behavior or poor judgment can also result in prison time.

V. PROCEDURES

A. Pursuit Rules

The following rules should be observed when engaged in a vehicle pursuit:
1. **Marked Unit Responsibilities**

   Officers operating marked police vehicles may engage in pursuit if:
   
a) Headlights and/or wig-wags are in operation; and  
b) Blue lights and siren are in operation.

2. **Non-traditional Unit Responsibilities**

   Officers operating non-traditional police vehicles may engage in pursuit if:
   
a) Headlight and/or wig-wags are in operation;  
b) Blue lights and siren are in operation; and  
c) They have initiated the pursuit or their unit is the only unit available to assist.

   **NOTE** A non-traditional police unit may only continue the pursuit if approval from a supervisor has been given. The risk of injury to the public is at its lowest when citizens can instantly recognize the police vehicles or when they hear the siren.

   **NOTE** Whenever a marked vehicle is available to take over a pursuit initiated by a non-traditional vehicle, then the non-traditional vehicle will withdraw from active pursuit and serve a support function to the marked vehicle.

   **NOTE** Other officers should be alerted to the pursuit progress and locations in case they are needed to assist at the scene of the pursuit termination.

3. **Number of Units**

   No more than two police vehicles (at least one marked unit whenever possible) should participate in a pursuit unless approved by a supervisor. Involvement of additional police vehicles can increase the chances that an injury will occur.

4. **Do Not Pass the Fleeing Vehicle**

   As a general rule, officers should not attempt to pass a fleeing suspect. To do so places the officer in a highly vulnerable position.

5. **Do Not Pass on the Right**

   Vehicles should not pass any vehicle, suspect, or third party on the right unless they have been given authorization. This must be done at a lowered speed with extreme caution, using all emergency warning devices.

6. **Keep a Safe Distance**

   a) Generally, the pursuing officer should keep a safe distance from the fleeing
vehicle and merely attempt to keep the suspect vehicle in sight until the suspect voluntarily stops or the pursuit is terminated or abandoned.

b) All pursuit vehicles should keep a safe distance apart, particularly at intersections. Inability to see approaching traffic at an intersection requires a full stop prior to proceeding.

B. Officer Responsibilities

1. Safety

Every officer has the responsibility and duty to drive with due regard for all persons and property upon the roadway.

2. Identity of the Vehicle and Driver

If at all possible, obtain identification of the vehicle and a good description of both the driver and the vehicle. This will assist in the decision making process as to whether to continue a dangerous pursuit.

3. Continually Question the Pursuit

a) Officers must continually question whether the seriousness of the crime and existing conditions justify continuing the pursuit. Adrenaline can cloud an officer's judgment and create tunnel vision. The officer can then become unaware of his surroundings, only thinking of the “bad guy” and not the innocent people that could be hurt or killed.

b) The officer also has the responsibility and duty to terminate pursuit at any time good judgment indicates that the risks to the safety of the officer and/or other users of the highway outweigh the necessity of immediate apprehension.

NOTE: Officers should understand that the decision to pursue is not irreversible.

C. Primary Unit Responsibilities

1. The primary unit is the unit responsible for the initiation and actual pursuit of the suspect vehicle. The primary unit will establish and maintain communications with Tele-communicator.

2. If the primary unit declares the pursuit abandoned, all other units shall discontinue their response to the area of the pursuit.

3. If possible, the initiating officer should be replaced by a secondary unit, removing the primary unit from the actual pursuit situation. This will allow the pursuit to be conducted by officers who are not as emotionally involved.

D. Secondary Unit Responsibilities

1. Assisting the primary unit with radio communications;
2. Acting in the role of backup officer at the conclusion of the pursuit;
3. Taking over the role of the primary unit, if necessary;
4. If a felony vehicle stop is to be executed, the secondary unit should provide tactical support for the primary unit;
5. The secondary unit should also be operated as an emergency vehicle with all emergency warning devices activated;
6. Following distance behind the primary unit should be at least one car length per ten (10) miles per hour of speed;
7. Secondary units should not pass unless required to assume the primary position;
8. In the event of an accident, when two or less units are on duty, the secondary unit should abandon the pursuit and determine if injuries are involved unless mutual aid from another agency is available to stop immediately and check for injuries.
9. When more than two units are on duty, another unit should immediately be dispatched to the scene of the accident.

E. Supervisor Responsibilities

If possible, a supervisor should monitor the progress of all pursuits and avoid becoming involved in the pursuit, unless the supervisor is the initiating officer. Under such circumstances, the supervisor should continue as the primary unit until another unit is available to take over the conduct of the pursuit.

Supervisors are responsible for:
1. Coordinating the number of units involved;
2. Coordinating the type of units involved;
3. Notifying the appropriate jurisdiction;
4. Requesting additional support from within or outside the Department;
5. Terminating pursuits that create an undue hazard to the public; and

F. Officer Communications

1. Initiating Officer

When a pursuit is initiated, it shall immediately be reported to the communications center by the initiating officer. Initial information reported should include:

a) Unit identification;

b) Location, speed, and the fleeing vehicle’s direction of travel;
c) Description of the fleeing vehicle and registration number, if possible;
d) Description and number of suspects, if possible;
e) The offense for which the suspect(s) is/are wanted; and
f) Any possible hazards to assisting officers.

**NOTE**: If at all possible, obtain identification of the vehicle and a good description of both the driver and the vehicle. This will assist in deciding whether to continue a dangerous pursuit.

2. Other Officers

a) Officers need to communicate where the pursuit is going, not where the pursuit has been. Officers’ enroute to assist should not distract the primary unit with radio traffic, if possible.

b) All units not directly engaged in the pursuit should remain off the air—except for emergency traffic, in order to allow for clear communication between the pursuing unit, the communications center, and the shift supervisor.

c) If an accident occurs, the other unit(s) should notify the communications center immediately of the location of the unit(s) involved.

G. Communication Center

Upon receiving notification of a pursuit in progress, communications personnel should, when possible:

1. Advise all units to stand by unless they have emergency radio traffic and identify the pursuing unit;
2. Notify the shift supervisor; and
3. Dispatch the nearest Departmental (or mutual aid) unit as a secondary unit or as directed by the supervisor.

H. Outside Jurisdiction

1. The pursuing officer has the responsibility to notify the communications center when it is likely that a pursuit will continue into another jurisdiction or across state lines.
2. The Departmental primary unit will become the secondary unit when a pursuit enters another jurisdiction and that jurisdiction joins the pursuit as the primary vehicle. This is not always possible due to the fact that it may take time for the “new” unit to catch up with the pursuit.
3. As soon as assisting units of the new jurisdiction join the pursuit, the original jurisdiction units should abandon the pursuit.
NOTE “Caravan type” pursuits are discouraged. If the new jurisdiction adds additional units, the original Departmental units should decrease by the same number.

4. Units will terminate involvement in a pursuit by an outside agency when the pursuit leaves the Departmental jurisdiction, unless doing so would leave the pursuing officer without any assistance.

5. When directed by the shift supervisor, units may become actively involved in a pursuit initiated by other jurisdictions that enter our jurisdiction.

NOTE All rules apply as if the pursuit had been initiated by one of our officers.

6. A Departmental unit may stop or block traffic as a pursuit enters another jurisdiction only if that jurisdiction has a “forced vehicle stop” or “roadblock” policy.

I. Emergency Warning Devices

1. Other factors determining a safe pursuit include types and practical limitations of emergency warning devices on law enforcement vehicles.

2. A siren, emergency lights, flashing headlights, etc. must be used by an officer at all times while engaged in any pursuit. If all emergency equipment is not activated, a police vehicle has no more right to disregard traffic laws than any other vehicle.

3. Emergency warning devices, when properly used, will enhance the officer’s ability to maneuver in traffic and reduce the risk of injury to self and others.

Headlights

a) Most drivers will see headlights before they hear a siren or see blue lights. In the dark, high-beam headlights have a tendency to make emergency lights less obvious and also blind oncoming traffic.

b) Headlights at night should be kept on low-beam during a pursuit.

c) Even during daylight headlights should be used together with the emergency overhead lights.

d) Flashing headlights (wig-wags) should be used if the vehicle is equipped with them.

NOTE: Emergency lights and sirens are no substitute for using caution and mastered driving skills. The officer is not relieved of liability if he fails to move safely, regardless of what equipment is activated, just as any other citizen.

J. Tire Deflation Devices

1. Motorcycles should never be stopped by tire deflation devices.

2. The site for all forced vehicle stops should be selected with due regard for the
safety of motorists and the officers executing the stop.

3. Sufficient distance should be provided to allow a motorist to stop his/her vehicle in a safe manner under the existing conditions.

4. Officers must maintain radio contact with the communications center when employing tire deflation devices.

K. Roadblocks

1. Under certain circumstances the blocking or barricading of a road by a police vehicle may become necessary.

2. No running roadblocks or stationary roadblocks are to be set up during a pursuit unless deadly force could be used against the occupant(s) of the suspect vehicle.

   **NOTE**: Authorized tire deflation devices shall not be considered roadblocks and are not subject to this restriction.

   **NOTE**: Both running roadblocks and stationary roadblocks are considered the equivalent of using deadly force to apprehend a suspect.

L. Continuing Pursuit

1. Permission
   a) No officer engaged in a pursuit will continue the pursuit once a supervisor calls for its termination.
   b) If the supervisor says nothing, or is unable to communicate with the pursuing officer(s), the pursuit should immediately be discontinued.

      **NOTE**: Permission does not apply if only one officer is on duty.

2. Speed Monitoring
   a) An officer engaged in a pursuit should monitor his or her rate of speed. This is especially important due to the elimination of the sounds of speed, such as wind and engine noise.
   b) Officers should not try to match the suspect’s speed. This often causes the fleeing vehicle to increase speed.

      **NOTE**: When traveling at high speeds an officer’s whole vision can be narrowed and “tunnel vision” may develop. At that point the officer is so focused on stopping the suspect he or she is not consciously aware of their surroundings such as: traffic, people, weather, or road conditions.

      **NOTE**: As speed increases, the chances of having a collision also increase. At high speeds an officer has less time to make decisions or process information and has only seconds to make critical choices.

      **NOTE**: Due to the speed of an emergency response vehicle, other drivers
and pedestrians may not have sufficient time to react to the sound of the siren. As speed increases, a driver may not hear the siren until the emergency vehicle is one or two car lengths behind him or her.

M. Ending the Pursuit

If any of the following conditions exist, pursuit should end:

1. **Unreasonable Danger**

   Unreasonable danger exists when speeds exceed those safe for existing conditions or when vehicular or pedestrian traffic necessitates dangerous maneuvering which exceeds the performance capabilities of the police vehicle or the officer.

2. **Violator is Identified**

   When the violator can be identified to the point that apprehension can be safely made at a later time and when the violator does not present an imminent threat of death or serious injury to others the pursuit should be terminated.

3. **Exceeded Radio Range**

   When radio range has been exceeded and radio contact cannot be maintained between the pursuing units, backup units, and the shift supervisor or the communications center the pursuit should be terminated.

4. **Emergency Equipment Failure**

   Upon a failure in the police vehicle’s emergency equipment the pursuit should be terminated. This may include one or more of the blue lights, siren, radio, or headlights.

5. **Vehicle Damage**

   When the primary unit is structurally or mechanically damaged, it should be replaced by another unit or the pursuit should be terminated. This applies to anything that could impair vehicular function and create a greater risk if the pursuit is continued.

6. **Too Great a Distance**

   When the distance between the fleeing suspect and the pursuing officer becomes so great that the officer cannot overtake the fleeing vehicle the pursuit should be terminated.

7. **Seriousness**

   Only a crime with an immediate danger to human life is justification for a pursuit. Non-violent misdemeanors such as traffic violations or even someone suspected of driving while impaired do not qualify for a pursuit if the hazards outweigh the benefits of apprehension.
8. **Air Unit**

   When the suspect vehicle is under the surveillance of an air unit such as a helicopter the pursuit should be terminated.

N. **Reports**

1. The initiating officer shall make a complete written report of the pursuit and every other officer involved shall make a written statement.

   **NOTE:** Often officers report pursuit-related issues thinking only of prosecuting the person they were chasing instead of writing the complete details necessary to protect themselves and the Department. If a report is not submitted with thorough event documentation, there may be liability issues for the agency and/or the officer years after the occurrence. Participants on the force may end up defending themselves in court against many allegations and, most commonly, reckless conduct. A thorough report will serve the officer and the Department should the pursuit come into question later on.

2. **Report Contents**

   The post-pursuit report must contain the following information:

   a) Department, incident number, and date of pursuit;
   b) Time, duration, and speed of pursuit;
   c) Officer(s) and other departments involved;
   d) Geographical area and path taken;
   e) Traffic, weather, and lighting conditions;
   f) Reason for pursuit initiation;
   g) Vehicle and suspect(s) description;
   h) Suspect’s name and address;
   i) Apprehension and charges filed, if applicable;
   j) If drugs and/or alcohol were involved;
   k) Reason for termination;
   l) Vehicles involved in accident, if applicable;
   m) Person(s) injured, if applicable;
   n) Property damage, if applicable; and
   o) Tire deflation device usage, if applicable.

3. The officer will then sign and date the report and the person reviewing the report
4. All reports must be completed by those involved prior to the end of the current shift and forwarded to the Chief of Police through the chain of command.
   a) Each level of the chain of command shall review the report and indicate their comments, on a separate report, regarding compliance with this policy.
   b) If the Chief of Police was personally involved in the pursuit, he must submit a report to his/her immediate supervisor.
   c) The supervisor monitoring the pursuit is responsible for ensuring post-pursuit discipline and to make sure that the report has been completed.

   **NOTE**: In all cases an incident report must be completed whether or not suspect was apprehended.

5. To avoid any conflict of interest, the North Carolina State Highway Patrol shall be called to handle the investigation involving any of the following:
   a) Any accident involving any police vehicle; or
   b) Any accident involving death or serious injury involving any vehicle involved in the pursuit.

O. Media

1. Interviews

   Reporters may try to interview officers involved in a pursuit, especially when an accident has occurred. Officers should decline to comment and should refer questions to one of the following:
   a) Department’s Public Relations Officer; or
   b) The Chief of Police or the Assistant Chief of Police.

   **NOTE**: Speaking with the media is strongly discouraged.

VI. REVIEW AND CONCLUSION

A. High speed chases can be dangerous, not only to police officers, but to suspects and innocent civilians.

B. Officers acting outside of their scope of employment while involved in a pursuit may not be covered by the Department’s insurance and may be held liable for injuries or death sustained by others.

C. Remember the list of factors to consider when initiating a pursuit:
   1. If possible, call first for permission to engage in a pursuit;
2. Be aware that once you are involved in a pursuit, your decision making ability may lesson;

3. Have all of your emergency equipment in operation;

4. Operate your vehicle within the pursuit guidelines each time.

D. Police pursuit is probably the most dangerous activity and has the highest liability of any activity in an officer's career.

E. Officers only have seconds to make the decision to pursue.

F. There often options other than pursuit to apprehend a fleeing suspect.

G. A police officer, or any other emergency vehicle operator, is never relieved of the responsibility to be in complete control of the vehicle at all times.

H. Department policy states that all emergency equipment must be activated before an officer exceeds the speed limit or violates any other traffic law. Even then, it is the law that all intended movement must be made safely.

I. A traffic violation is not worth a life!
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers of this agency with guidelines to be used when receiving a robbery alarm from a bank.

II. POLICY

It is the policy of this law enforcement agency that Officers will follow specific procedures in response to a robbery alarm at a bank to ensure the safety and integrity of each responding officer and each bank employee.

III. INTRODUCTION

Bank robbery is a serious crime. It is important that officers responding to the scene and employees of the bank are familiar with the proper procedures to avoid a hostage situation or unnecessary violence.

IV. ADMINISTRATIVE CONCERNS

A. Employees of the bank will be issued identification cards by the Mayodan Police Department, if the bank does not provide them.

B. It shall be the responsibility of the management of the bank to notify the Mayodan Police Department of any new personnel and to confiscate the identification card of anyone leaving their employment.

C. A copy of this procedure shall be disseminated to all banks.

V. PROCEDURES

Whenever a robbery alarm is received by the police department, the following procedures shall be followed:

A. The dispatcher shall immediately dispatch the call to all officers on duty. If only one officer is on duty, the Madison Police should also be notified of the alarm.

B. The officers shall proceed to a location where they can observe the bank. At least one officer should maintain visual contact of the entrance at all times until the situation is resolved.

NOTE: When responding to the bank, officers should position themselves in a location as inconspicuous as possible.

C. The dispatcher shall contact the bank by telephone and say:
“This is MPD Computers checking to see if your computers are online?”

The bank employee shall answer with the following:

1. “No”, if there is no robbery in progress. The employee, with proper identification, will then be instructed to step outside in front of the bank and wait until an officer arrives.

   **NOTE**: If the person cannot produce proper identification, the responding officer will leave the area and treat the alarm as real.

2. “Yes”, if there is a robbery in progress. The next question from the dispatcher will be: “How many computers do you have online?” The bank employee shall respond with the number of robbers inside the bank. At this point, the dispatcher will attempt to keep the employee on the line as long as possible using whatever means necessary to obtain as much information as possible concerning the perpetrators and relay that information to the officers on the scene.

3. As soon as possible after the suspects have left the building, an employee of the bank shall lock all doors and not allow anyone to enter or leave until authorized by a law enforcement officer.

4. If telephone communication was broken, another employee shall call the police department and advise as much information about the suspects as possible.

   **NOTE**: Officers responding to the robbery should never confront a suspect when it would be possible for the suspect to re-enter bank and create a hostage situation. An officer should take whatever action necessary to prevent this situation from occurring.

   **NOTE**: The safety of the people inside the bank must always be a priority and nothing should be done to jeopardize their well-being.

   **NOTE**: Whenever possible, a plain clothes officer in an unmarked car shall be the first officer to respond to the front of the bank.

D. In the event of a robbery, officers shall secure the scene, separate witnesses, contact the FBI, and obtain as much information as possible. A crime scene unit shall be contacted to process the area as soon as possible.

   **NOTE**: All detectives shall be called in to assist with this investigation.
Mayodan Police Department Policy Manual

MAYODAN POLICE DEPARTMENT
Checking Stations Policy and Procedures
Number 5.11

Effective Date: January 1, 2014       Reevaluation Date: January 2018

I. PURPOSE

It is the purpose of this policy to establish guidelines for conducting seizures of vehicles at fixed checkpoints and Special Operations checking stations.

II. POLICY

Checking Stations are a frequently used tool. As such, officers shall strictly adhere to the procedures set forth here in order to conform to established legal procedure.

III. PROCEDURES

A. Standards for All Checking Stations

The site for every checking station shall be selected with due regard for the safety of motorists and the members operating the checking station in accordance with the following guidelines:

1. Sufficient distance must be provided to allow a motorist traveling at the speed limit to stop his/her vehicle in a normal manner under the existing conditions.

2. No checking station shall be conducted without at least two uniformed members present and at least one marked patrol vehicle unless the checking station is in conjunction with another agency in which case only one uniformed member will be required.

3. All checking stations shall be marked by signs and/or activated emergency lights, marked patrol vehicles parked in conspicuous locations, or other ways to ensure motorists are aware that an authorized checking station is being conducted.

4. Emergency lights on at least one patrol vehicle shall be operated at all times.

5. With the exception of Special Operations checking stations, all checking stations shall provide for the stopping of every vehicle. Individual members shall not vary form this policy except that the member in charge of the checking station may allow for variance from this requirement if the traffic congestion or other factors are creating a hazard.

6. Checking stations shall be operated so as to avoid unnecessary traffic congestion and delay to motorists.

7. Adequate area must be available off the traveled portion of the highway to allow for the safety of motorists when enforcement action is taken.

8. Patrol vehicles must be parked to allow access to the highway for the pursuit in
9. Members must maintain radio contact with the communications center.

10. If a member determines there is reasonable suspicion to believe that a driver or other occupant has violated any provision of law, the member may detain the vehicle for a reasonable period of time in order to investigate further.

11. Regardless of the designated purpose of the checking station, the operator of any vehicle stopped may be requested to submit to an alcohol screening test under N.C.G.S. § 20-16.3 if during the stop the member determines the driver had previously consumed or has an open container of alcoholic beverage in the vehicle. Members may consider the results of any alcohol screening test or the driver’s refusal in determining if there is reasonable suspicion to investigate further. A driver shall not be charged with resisting, obstructing, or delaying a public officer solely for refusing to submit to an alcohol screening test.

12. Specific written directions may be provided for a particular checking station. When issued by a supervisor or higher authority, these directions shall be considered additional policy.

13. All members working at any checking station shall wear their reflective vests at all times when in the roadway.

B. Standard Checking Station

1. Members may conduct checking stations to determine compliance with motor vehicle laws. Examples for which this type of checking station may be used:
   a) Verification of driver’s license;
   b) Vehicle registration checks;
   c) Insurance checks;
   d) Seat belt compliance checks; and
   e) Driving While Impaired checks.

2. All checking stations, day or night, shall be approved, in writing by a shift supervisor or higher authority. The supervisor shall designate the purpose, location and approximate time of operation of the checking station.

3. The placement of checking stations should be random or statistically indicated, and, unless statistically indicated, supervisors shall avoid placing checking stations repeatedly in the same location or proximity.

4. A supervisor who authorizes establishment of a checking station shall specify whether drivers shall be asked to produce a driver’s license, proof of registration or insurance information, or any combination thereof.

5. The driver of every vehicle stopped shall be asked to produce the document(s)
specified. Members working the checking station shall have no discretion to deviate from this pattern unless the member has some reasonable suspicion to investigate further.

6. Standard checking stations shall comply with the United States Constitution and the North Carolina Constitution and shall be conducted in accordance with the provisions of N.C.G.S. § 20-16.3A.

7. All standard checking stations shall be scheduled to last at least one hour; however, circumstances may arise that cause the length to be altered.

C. Informational Checking Stations

1. Members may conduct informational checking stations for the purpose of seeking motorists’ assistance in solving a crime. This type of checking station may be appropriate in cases involving death or serious injury and where motorists may be able to provide pertinent information related to the death or injury.

2. Informational checking stations should, whenever feasible, be approved in writing by a supervisor or higher authority. The supervisor shall designate the purpose, location, and approximate time of the checking station using the appropriate form.

3. Because an informational checking station is not designed to determine whether a vehicle’s occupants are violating a provision of law, drivers shall not be asked to produce any documentation.

D. Special Operations Checking Stations

1. The Patrol Commander or higher authority must determine that a special operations checking station is necessary because it may likely result in the apprehension of a suspect who poses a danger to life and property or the rescue of a hostage or abducted person.

2. The location, equipment, time, and operation of the checking station must be in accordance with policy.

3. When the suspect sought to be apprehended by the checking station has a hostage or abducted person in the vehicle or a member reasonably believes a hostage or abducted person is in the vehicle, the priority shifts from apprehending the suspect to preserving the life of the hostage or abducted person.

4. Members operating the checking station shall position themselves and their vehicles in a manner that will provide a tactical advantage and maximize officer safety.

5. All members shall wear body armor at all times while operating a special operations checking station.

6. Supervisors should periodically check the checking station for the purposes of insuring officer safety and updating information.
E. Multi-Agency Checking Stations

Checking stations involving other agencies or law enforcement officers must be approved by the Patrol Commander or higher authority and conducted pursuant to the provisions of this policy. Exceptions to this provision may be granted by the Chief of Police.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers of this agency with guidelines to be used when wearing body armor.

II. POLICY

It is the policy of this law enforcement agency that Officers will wear protective soft body armor at all times while performing patrol duties or as specified by this policy.

III. INTRODUCTION

In the course of official duties, police officers are exposed to a risk of assault by handguns, including their own weapon. 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 a substitute for following sound, basic safety practices. It is the policy of this agency to maximize officer safety through the use of body armor in conjunction with established safety procedures.

IV. DEFINITIONS

For the purposes of this policy, body armor means a soft, concealable vest designed for daily wear under the uniform shirt or outer clothing, and which has been issued or approved for use by the Department.

V. PROCEDURES

A. Issuance of Body Armor

1. Each sworn officer of the Department will be issued body armor that complies with the current minimum protective standards prescribed by the National Institute of Justice.

2. Issued body armor that is worn or damaged through normal wear or use shall be replaced or repaired by the Department.

3. Body armor that must be replaced due to negligence, misuse, or abuse shall be replaced at the officer’s expense.

4. Body armor that must be replaced due to voluntary weight gain/loss will be replaced by the Department a maximum of once every five years. More frequent replacement will be at the officer’s expense.

B. Privately Owned Body Armor
1. An officer may elect to wear privately owned body armor provided that such body armor meets or exceeds the rated threat level and specifications of the Department issued body armor, is of a design and construction appropriate for law enforcement use, and has been inspected and approved by the Department.

2. Replacement and/or repair of privately owned body armor shall be at the officer's expense.

3. Any officer who elects to wear privately owned body armor must comply with the wearing requirements of this policy as if the body armor was issued by the Department.

C. Wearing of Body Armor

1. Each sworn officer assigned to the Patrol Division and working in a field assignment shall wear body armor anytime he/she is in uniform and are functioning in the capacity of a police officer. This includes uniformed off-duty police employment.

2. Each officer assigned to the Investigation Division shall have at his/her disposal body armor. A plain clothes officer shall have the discretion of wearing or not wearing body armor while on-duty, unless otherwise required by this policy. However, if performing uniformed work (including off-duty) body armor shall be worn.

3. Every officer, regardless of assignment, shall wear body armor when participating in organized raids, warrant executions involving dynamic entry, civil disturbances, or other high risk situations.

4. The following are exceptions to the mandatory requirement to wear body armor as specified in the policy:
   a) When an agency approved physician determines that an officer has a medical condition that would preclude the wearing of body armor;
   b) When an officer is involved in undercover or plain clothes work that his/her supervisor determines would be compromised by the wearing of body armor;
   c) When an officer is assigned to perform an administrative function; or
   d) When the Chief of Police determines that circumstances make it inappropriate to mandate the wearing of body armor.

5. Failure to comply with this policy may result in disciplinary action against the officer up to and including Level IV disciplinary action.

6. The Department strongly encourages and recommends the wearing of body armor at all times when working in a law enforcement capacity, either on-duty or off-duty.

7. Supervisors shall be responsible for ensuring that body armor is worn in
accordance with this policy.

D. Care, Inspection, and Maintenance of Body Armor

1. Each officer is responsible for proper cleaning, storage, and maintenance of their issued body armor in accordance with the manufacturer’s instructions.

2. Each officer is responsible for reporting any damage or wear to their body armor to his/her supervisor.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers with the guidelines for handling driver's license violations.

II. POLICY

It is the policy of this law enforcement agency that Officers will take appropriate enforcement action toward individuals found to be operating a motor vehicle without a driver's license or while their driver's license is revoked, suspended, or expired. Officers will request re-examination by the Division of Motor Vehicles of any licensed driver the officer believes to be no longer competent to safely operate a motor vehicle.

III. PROCEDURE

A. Enforcement Procedures

Officers will observe the following guidelines when dealing with drivers who are not licensed or whose driver's licenses are revoked, suspended, expired, or the status cannot be immediately determined:

1. The officer should check the driver's license status, via the Communications Officer, using the driver's name, race, gender, date of birth, or driver's license number if available.

2. If Division of Motor Vehicles records do not list any driver's license information and the driver does not have a valid driver's license, the officer should charge the driver with having no driver's license. Unless elements exist for physical arrest, such as no identification or the case of a resident from a non-reciprocal state, the officer will issue a citation.

3. If the driver's license is expired, the officer should charge the driver on a citation of possessing an expired driver's license.

4. If the officer determines that the driver has a revoked or suspended driver's license the officer may cite or arrest, depending on the particular circumstances.

5. In any case where the driver's privilege to operate a motor vehicle is no longer valid, he/she will not be allowed to drive away from the vehicle stop. The officer should make alternative arrangements for the driver, such as having another person drive or having someone pick up the vehicle. If the driver is arrested and the vehicle can be legally parked, it should not be towed.

6. In situations where the validity or existence of an driver's license cannot be
readily determined, the officer may choose to issue a citation or release the driver and charge later if a violation is identified.

B. Out-of-State Drivers

A person who operates a vehicle on the streets and highways of North Carolina must possess a valid driver’s license. Residents from other states are allowed to operate vehicles in North Carolina if they possess a valid driver’s license from another state.

Upon receiving an Out-of-State driver’s license, Officers shall check the validity of the license via the Communications Officer. The Communications Officer shall check with the issuing state and North Carolina.

A driver may be valid in their home state, but their privileges to drive in North Carolina may be revoked or suspended. If a person possesses a valid Out-of-State driver’s license, but is revoked or suspended in North Carolina, Officers shall issue the driver a citation for Driving While License Revoked.

If the driver is revoked in their home state, their privileges to drive in North Carolina are also revoked or suspended.

C. Reporting Requirements

Officers of this Department are required to complete an Arrest Report for any criminal offense, even if written on a citation. The Officer shall also complete a DL-49: Request for Motor Vehicle Record and request a Master Check of the driver’s convictions.

Officers may also receive a ‘Pick-Up’ order on a driver’s license and/or vehicle registration plate. In the event an Officer receives such a request, the Officer shall seize the driver’s license and/or vehicle registration and complete a DL-53A: Acknowledgement And/Or Receipt For Surrender of North Carolina License/Registration Plate Form.

The confiscated driver’s license and/or registration number plate, along with a copy of the aforementioned form, shall be placed in the Patrol Commander’s box. The Patrol Commander will forward the seized property to the appropriate authority.

D. Requests for License Re-examination

An officer who suspects that a driver is incompetent or unqualified to operate a motor vehicle will take the following steps:

1. Advise the driver that he/she has exhibited driving behavior that leads the officer to believe that he/she is incompetent to operate a motor vehicle.

2. Try to determine from the driver the cause of his/her demonstrated poor driving.

3. At the officer’s discretion, make suggestions to improve driving behavior, such as using corrective lenses, limiting driving to daytime hours, etc. The officer may also suggest alternative transportation for the driver. An officer will not allow a driver to continue driving if he/she is obviously incapable of doing so safely.
4. The officer will complete the Driver Re-examination Recommendation form and submit it along with any other relevant reports to the Records Unit for forwarding to the Division of Motor Vehicles.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers with the guidelines for conducting vehicle stops and performing roadside emergency assistance.

II. POLICY

It is the policy of this law enforcement agency that Officers will promote and encourage Officer and motorist safety while conducting vehicle stops and providing roadside assistance.

III. PROCEDURES

A. Location of Traffic Stops

Officers must take many factors into consideration when determining the location of motor vehicle stops, including the following:

1. Traffic Congestion - Officers should attempt to stop vehicles in areas of lowest congestion. If a vehicle must be stopped on a busy thoroughfare, the officer should make certain not to stop the vehicle near intersections or in blind spots such as curves or over hill crests. Officers will attempt to leave following motorists ample room to brake in order to avoid the stopped vehicle. Whenever possible, the officer should select a stop location where both the officer’s and the motorist’s vehicles may be pulled entirely out of travel lanes. Purposeful attempts should be made not to stop vehicles in locations that block or obstruct the flow of traffic to businesses or public vehicular areas.

2. Pedestrians - Officers will consider the safety of pedestrians, avoiding stops that will obstruct crosswalks or interfere with school crossings.

3. Road Conditions - Officers will take into consideration weather and road conditions when stopping vehicles, allowing sufficient braking distance for the officer and following motorists.

4. Light Conditions - Officers will take light conditions into consideration, avoiding locations where motorists may be blinded by sunlight and glare. At night, officers should attempt to stop vehicles in well lighted areas.

5. Tactical Conditions - Officers should consider the neighborhood, distance from buildings, and motorists’ access to buildings and accomplices.

B. Radio Traffic
For vehicle stops and roadside emergency assistance, officers will provide the following information to the Communications Center and will receive acknowledgment prior to exiting their vehicle:

1. Location, giving the road name and nearest intersecting cross-street or the block number of the stop.

2. License number of the vehicle and state of origin; Officers may also provide a description of the vehicle and its occupants, including the make, model, color, and number of occupants.

C. Position of the Patrol Vehicle

During traffic stops and roadside emergency assistance, the patrol vehicle should be stopped between 10 and 15 feet behind the motorist's vehicle. The officer should be able to see the motorist's license plate from his/her seated position.

Officers should attempt to offset the left side of their patrol vehicle about two to three feet left of the suspect vehicle, with the front wheels turned to the left.

In other situations where the patrol vehicle is not parked to the extreme right of the road such as collision scenes, the officer should be careful to position the patrol vehicle in a location where the reflective striping and emergency lights will provide the greatest visibility to approaching vehicles. If a lane of travel has been obstructed, care should be taken to block that lane to prevent motorists from colliding with road obstructions. Officers should position their vehicle far enough from the obstruction that emergency workers can work safely.

D. Approaching Vehicles

The officer should quickly check his/her rear-view mirror for traffic. When traffic allows, the officer should exit the patrol vehicle while watching the occupants of the vehicle. Special care should be taken to keep attention focused on movements and actions of the vehicle's occupants.

The officer should approach in a manner that affords occupants of the vehicle as small a target as possible. When the officer passes the trunk area, a check should be made to make sure it is closed. This check can be accomplished by pulling gently up on the edge. The officer should follow this movement by placing his/her right hand flat on the trunk lid in order to leave fingerprints on the vehicle in the event the occupants harm officer and flee the scene.

The officer should visually scan the rear and front passenger area. The officer should verbally control the movements of all occupants within the vehicle. Special attention should be given to the hands of all occupants. The officer should stop just short of the driver's door and initiate contact with the driver.

The officer should ask for the driver's license and registration and explain the reason for the stop. The officer may take whatever enforcement action is necessary. If a citation is issued, normally the violator should remain in the violator's vehicle. The officer will complete the citation and return to the violator's vehicle to give the violator
a copy.

The officer should attempt to keep his/her gun hand free of citation pads, radios, flashlights, or any other objects during the entire contact. The public address system of the vehicle may be used should changes take place during the course of the stop that would justify its use.

If the stop results in an arrest, the officer will follow departmental directives in searching and handcuffing the suspect and securing his/her vehicle.

E. Emergency Vehicle Equipment and Operation

1. Vehicle Stops

   When attempting to stop a traffic violator, the officer will activate the vehicle's overhead blue lights and sound a short audible sound from the siren. Alternating headlamps may also be used and are especially helpful during the day. At night, officers should turn the alternating headlamps off as soon as the vehicle stops, as they may interfere with approaching motorists' vision at night.

   Extended use of the siren is mandatory if the vehicle fails to stop and in other situations where the officer must engage in high risk driving during a vehicle stop, such as passing another vehicle or entering an intersection against a red light.

   All other emergency lighting will be used until the vehicle stop has been completed. Officers may use the take-down lights during night vehicle stops to help illuminate the interior of the suspect's vehicle.

2. Other Assistance

   When providing funeral escorts, assisting motorists, directing traffic, working collision scenes, or at any other time the patrol vehicle will be located in the roadway, officers will use all overhead blue lights and emergency flashers.

   Alternating headlamps may be useful, especially during the day, but may cause vision problems for other motorists at night. The siren and public address system may be used when necessary to give directions or warnings to other motorists.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers of this agency with guidelines for operating speed measuring instruments.

II. POLICY

It is the policy of this law enforcement agency that officers will use speed-measuring instruments in accordance with state law for the purpose of preventing and reducing speed-related collisions. Speed-measuring instruments will generally be used in response to citizen’s complaints and/or in areas where accident history indicates a that a speed-related collision problem exists.

III. PROCEDURE

A. Operator Training and Certification

Before operating a speed-measuring instrument, officers must attend a course that meets the standards established by the North Carolina Criminal Justice Education and Training Standards Commission, and complete the required amount of pre-certification training.

In order to operate a speed-measuring instrument for speed enforcement purposes, an officer must have met the minimum standards and level of training set forth by the North Carolina Criminal Justice Education and Training Standards Commission, and possess a valid certification issued by the Commission authorizing him/her to operate the specific speed-measuring instrument to be used.

B. Speed Measuring Equipment

The speed-measuring instruments employed by certified operators will be those approved for use by the North Carolina Criminal Justice Education and Training Standards Commission.

C. Operational Procedures

The RADAR Operator’s Manual contains statutory authority sheets for operator calibration and testing for accuracy, and operating procedures for each type and model of speed-measuring instrument approved by the North Carolina Criminal Justice Education and Training Standards Commission. Each certified operator will ensure compliance with these procedures when operating speed-measuring instruments.

D. Programmed Maintenance

All speed-measuring instruments employed by the Department will be tested annually...
for accuracy by a certified technician. The Patrol Commander will be responsible for ensuring that this testing for accuracy is conducted and documented.

E. Proper Care and Upkeep

Each officer is responsible for ensuring that the required components of the instrument are present, appear to be functional, and are not damaged. If an instrument needs to be repaired or needs a replacement part, the officer will notify his/her supervisor or the Patrol Commander. This notification should be documented on the "Equipment/Maintenance Request Form".
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers with the guidelines for conducting High-Risk Vehicle Stops.

II. POLICY

It is the policy of this law enforcement agency that Officers will apply Officer survival tactics in a manner that maximizes Officer safety while minimizing the danger to citizens and suspects. High-Risk Vehicle Stops should be completed by two or more Officers, preferably three, and should be initiated under the proper supervisory authority.

III. PROCEDURE

A. Considerations for Location of Stops

Before stopping vehicles in high-risk situations, Officers will:

1. Take into consideration the amount of traffic congestion, presence of pedestrians, road conditions, surrounding terrain, and level of illumination.

2. Determine how many units will be needed to safely make the stop.

3. Determine the location of back-up vehicles and how long before the back-up will be able to assist in the vehicle stop; If possible, the stop should not be initiated until the secondary unit is in close proximity to the primary unit.

B. Calling in the Stop

When an Officer has announced his/her intention to make a high-risk vehicle stop, no other Officer should transmit until the required information is given to and acknowledge by the Communications Officer. This restriction will not apply if another Officer has emergency traffic to broadcast. The required information to be broadcast to the Communications Officer is as follows:

1. Location of the stop.

2. License number and state.

3. Description of vehicle, including make, model, year, and color.

4. Reason for the stop.

5. Direction of travel.

6. Number of occupants.
7. Location where back-up vehicle should be positioned.

*NOTE*: The same procedures used in an unknown-risk vehicle stop will be used for a high-risk vehicle stop up to the point of actually stopping the vehicle.

C. Incident Command

The Patrol Supervisor should proceed to the scene to take command of the incident. As soon as reasonable and possible, the Patrol Supervisor or designee should establish traffic control points on the perimeter of the scene to restrict vehicular and pedestrian traffic.

D. Position of Patrol Vehicles During Stops

1. The primary unit should stop approximately 30 to 40 feet to the rear of the suspect vehicle. This distance takes into account firearms effectiveness as well as visibility and clear ground between vehicles.

2. Officers should position the primary patrol vehicle at a 45 degree angle to the left on most felony stops. The front wheels should be turned sharply to the left. This position affords the most protection to the responding Officers. This vehicle will be the primary command vehicle.

3. The secondary vehicle should stop at the rear of the initial patrol vehicle at no angle. The second vehicle will be in an unknown-risk position, offset slightly to the right of the suspect vehicle and about two to three feet to the right of the primary vehicle. At night, the secondary vehicle’s wheels should be turned sharply left. Before coming to a complete stop, the secondary vehicle should roll forward a few feet to angle the vehicle’s take-down lights into the suspect vehicle.

E. Position of Officers During Stops

1. The Officer who initiates the stop and drives the primary police vehicle positioned at an angle will be the Command Officer.

2. The back-up Officer in the secondary unit will be the handcuffing Officer.

3. The Command Officer should take a crouched position in the open door on the driver’s side of the primary unit. This Officer is protected by both the wheels and engine block, which provide the most protection from gunfire. This position allows the Command Officer to have good visibility of the driver’s side of the suspect vehicle and immediate access to both the radio and the public address system.

4. The second Officer (handcuffing Officer), should take a position at the rear of the primary unit. Care should be taken to ensure that the handcuffing Officer’s legs are protected by the right wheel of the patrol vehicle.

F. Three-Officer Stops

1. It is recommended that three Officers conduct a high-risk vehicle stop. If a third Officer is available, he/she will assume the duties of the second or handcuffing
2. Once on the scene, the third Officer will take the position at the right rear of the primary unit. The third Officer's responsibility will be the handcuffing and securing of the suspect(s).

3. The second Officer will tactically move to the rear of the secondary unit and take up a position at the right front quarter panel. From this position, the second Officer will be protected by the engine block and right front tire.

4. If the stop occurs at night, the second Officer should be positioned at the right rear of the secondary vehicle. The second Officer's responsibility will be to cover the suspect vehicle at all times. The duties and responsibilities of the Command Officer remain the same.

G. Commands

1. Commands are the most important aspect of the stop and should be kept simple and clear. The primary Officer, using the public address system or by shouting to the occupants of the suspect vehicle, should follow these guidelines:
   a) If the driver's window is rolled up, the Officer will have the driver lower it to ensure that all commands can be heard.
   b) The Officer will identify himself/herself and advise the occupants of the suspect vehicle that they are considered armed and/or dangerous.
   c) Occupants should be advised that they are under arrest and that all commands should be obeyed. Occupants should be advised to move only on command and that any movement not ordered by the Officer will be considered an act of aggression.

2. During the stop, only the primary Officer will give commands in order to avoid confusing the suspect(s). The secondary Officer can give commands if the primary Officer requests that the secondary Officer assume command. In this event, the command Officer will assume the duties of the secondary Officer.

3. All commands should be spoken clearly. The Officer should take a few moments to gain full control. Time is on the Officers' side in these situations. Commands should be short and direct, as follows:
   a) "Occupants of the vehicle place your hands on the windshield, palms up."
   b) "Driver, with your left hand, turn off the ignition and toss the keys out the window."
   c) "Driver, with your left hand, reach out and open your door from the outside."
   d) "Driver, slowly extend both your arms out your window and extend your fingers."
e) ‘Driver, exit your vehicle slowly and raise your hands above your head facing away from my voice.’

f) ‘Driver, kick your door shut with your right foot.’

g) ‘Driver, turn around until I tell you to stop, keeping your hands extended above your head.’

4. The Commanding Officer should:
   a) Keep control of the occupants; watch for any movement in the vehicle. Order all suspects to place their hands on the windshield. If there are occupants in the rear seat, have them place their hands on the back windshield. Watch for the use of mirrors by the occupants. If either Officer sees anything that doesn’t look or seem right, the other Officer should be notified immediately.

   b) Have the driver reach with his/her left hand and turn the ignition off. To ensure that the ignition has been turned off, the Officer should listen momentarily for engine noise, watch the exhaust pipe for vibration and, if the suspect vehicle has a radio or CB antenna, watch for vibration.

   c) Have the driver remove the keys from the ignition, with his/her left hand if possible. Due to the lock mechanisms on many new vehicles, some individuals must use their right hand to remove the keys. The Officer may have the keys tossed out the driver’s window or have the driver hold them out the window in his/her left hand.

   d) Normally, the driver will be removed from the vehicle first. Have the driver open his/her door using the right hand, opening the door from the outside. Using his/her left foot, the driver should push the door open. After the door is opened, order the driver to step slowly out of the vehicle with both arms fully extended and to face the front of his/her vehicle.

   e) Have the driver step approximately two steps to his/her left and, using the right foot, close the door of his/her vehicle. In order to visually inspect the clothing, have the driver turn completely around slowly with arms fully extended above the head. If the arms are fully extended, the clothing will be pulled tight against the body and sweaters and jackets will be lifted slightly.

   f) In giving the command, tell the suspect to “turn around slowly until I say stop.” Avoid phrases such as “turn 360 degrees,” as some individuals may not understand the command. If a weapon is spotted by the command officer, the handcuffing officer should be advised of the weapon’s presence and location.

5. Contact with the Violator
   a) After having a suspect exit the vehicle, the Officer should walk him/her backward toward the secondary unit, then instruct him/her to listen to
the commands of the secondary Officer. At this time, the commanding Officer will continue to watch the suspect vehicle. The secondary Officer will then order the suspect to continue walking backward toward the secondary unit.

b) The secondary Officer will walk the suspect to an area behind the left rear tire of the primary vehicle and approximately 10 feet out. This area should provide the Officer both cover and concealment during the procedure. The secondary Officer will then search, handcuff, and secure the suspect in the secondary vehicle.

c) The secondary Officer should attempt to gather any intelligence information about the other suspects if possible. The secondary Officer should ask questions to assist in securing additional suspects, such as ‘How many people are in the vehicle?’ and ‘Does anyone have a weapon?’

d) Before bringing another suspect out of the vehicle, the secondary Officer should obtain another set of handcuffs. The secondary Officer should then return to his/her position at the trunk of the primary unit, and tell the commanding Officer that the search of the suspect has been completed.

e) The commanding Officer will then direct any front-seat passenger to slide to the driver’s side of the vehicle, keeping his/her hands in sight at all times. This individual will be handled according to the same procedure as the driver. Once secured, the Officer will order the next passenger out. If there are additional occupants in the suspect vehicle, Officers will remove them according to the same procedure. By using this method, Officers will be required to deal with only one individual at a time.

f) Once all visible occupants have been secured, the commanding Officer will order the individual in the vehicle to get up. The commanding Officer will give this order so that anyone hiding will think that officers have been told of their existence by comrades. If, after several such commands, no one sits up, officers will secure the vehicle.

5. Securing the Suspect Vehicle

a) While the commanding Officer continues to order hidden suspects to sit up, the secondary Officer will approach the suspect vehicle in a crouched position. The commanding Officer will continue to talk so that conversation may cover any noise made by the secondary Officer as he/she reaches the rear of the suspect vehicle.

b) In order to cause the suspect to look toward the left side, the secondary officer should attempt to make noise on the left side of the suspect vehicle, using a baton, flashlight, rock, etc.

c) Meanwhile, the secondary officer should look into the vehicle from the right side. The officer should ‘pop up’ quickly, look and move forward while keeping low, then ‘pop up’ again. Once the vehicle has been checked, the secondary officer should notify the commanding officer that
the suspect vehicle is clear. Officers should use caution when checking the trunk area, standing to the side of the vehicle to afford as much cover as possible.

d) For situations requiring a more tactical response when there is reason to believe that a suspect is still in the vehicle, officers will use the following procedure:

1) Once all visible occupants are secured, the commanding Officer will challenge the suspect vehicle, ordering all other occupants to place their hands outside the vehicle. If there is no response, the secondary Officer will proceed to the left side of the primary unit, open the left rear door, and assume a crouched position using cover and concealment.

2) The commanding Officer will re-enter the patrol vehicle, crouch down as far as possible, and slowly guide the patrol vehicle toward the suspect vehicle. The patrol vehicle should be stopped parallel to the suspect vehicle with approximately eight to 10 feet between. The right front fender/wheel of the patrol vehicle should be directly across from the left rear wheel/quarter panel of the suspect vehicle. During this movement, any additional police personnel on the scene will continue their visual control and should advise of any problems they may observe.

3) Once the patrol vehicle has stopped in position, the secondary Officer will go to a kneeling position at the right rear corner of the patrol vehicle and cover the commanding Officer. The commanding Officer will take a position looking over the left front quarter panel. The commanding Officer will scan through the front and rear doors of the suspect vehicle and notify the secondary Officer of the secure and insecure areas that are observed.

4) The secondary Officer will then move toward the left rear corner of the suspect vehicle, concentrating only on those areas which the commanding Officer could not visually clear. The secondary Officer will then visually clear the suspect vehicle’s entire interior, turn around, and crouch near the trunk of the suspect vehicle. The secondary Officer should remain on the left side, directing his/her attention to the trunk.

5) When the secondary Officer is in place, the commanding Officer will approach the suspect driver’s door, retrieve the keys, circle the vehicle from the front, and approach the trunk from the right side. The commanding Officer will then assume a low tactical position and open the trunk with the keys.

6) The secondary Officer will keep the trunk lid closed by pushing down on it with his/her non-gun hand and will be positioned at the left rear corner of the suspect vehicle.
7) Once the trunk is 'popped,' the commanding Officer will back off approximately four to six feet from the right rear corner of the suspect vehicle. The secondary Officer will then allow the trunk to open and quickly assume an identical position on the left side. At this time the trunk area will be cleared.

H. Special Situations

A. Suspect Flees

If a suspect exits the suspect vehicle and runs, Officers should never chase the suspect. Officers should never leave a position of cover until all occupants of the vehicle have been secured and the vehicle checked. Officers should radio in a description of the fleeing suspect and the direction of travel.

B. Suspect Refuses to Obey Commands

1. Officers should remember that time is on the side of the Officer. Officers should not be concerned with how long it takes to complete the task. If it becomes necessary for an Officer to back his/her patrol vehicle up to avoid injury, the Officer should do so without hesitation.

2. If any occupant refuses to get out of the suspect vehicle, the scene should be handled as a barricaded suspect scene and the appropriate action taken.

C. Compact Vehicles

If passengers are not able to slide to the driver's side to exit because of the console on compact vehicles, they must be removed through the passenger door. The secondary Officer must be in position to watch the passengers' exit. Passengers are given the same orders as in any other unknown-risk stop, except that Officers will reverse the directions given.

I. Problem Vehicles

A. Van Stops

1. Vans represent a significant problem due to the number of exits from the vehicle as well as the various types of windows and window coverings.

2. In positioning patrol vehicles for a van stop, one vehicle should be in a standard 45-degree left angle. The second vehicle may either angle left or right, but must be far enough to the right to observe the side sliding door on the passenger side of the van.

3. Using the vehicle's public address system, the commanding Officer should instruct the violator to exit the van in the appropriate manner and walk toward the patrol car.

4. When the violator gets to the rear of the van, the commanding Officer will instruct the violator to open the van doors so the officer can see inside. If
there are passengers inside the van, the Officer will command the driver to close the doors.

5. The commanding Officer will move to the rear of the patrol vehicle and instruct the violator to walk to the passenger side of the patrol vehicle and then to the rear of the patrol vehicle where appropriate enforcement action will take place.

B. Motorcycles

1. The commanding Officer will instruct the violator to get off the motorcycle on the right side. The Officer should move to the right of the motorcycle, off the roadway.

2. The Officer will instruct the violator to remove his/her helmet and leave it on the bike to prevent its use as a weapon against the officer.

3. If two motorcycles are stopped at the same time, the Officer should instruct the violator to move to the rear of the patrol vehicle and instruct the other rider to remain on his/her motorcycle looking forward.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers with the guidelines for directing traffic and maintaining control over the flow of traffic.

II. POLICY

It is the policy of this law enforcement agency that Officers will provide traffic direction and control at any location or event where available signs and signals do not provide adequate protection and control of the situation.

III. DEFINITIONS

Traffic Control Device: A marking, sign, signal, or device placed on, over, or adjacent to a street or highway by authority of a public body or governing official having jurisdiction to regulate, warn, or guide traffic.

Traffic Control Signal: Any manually, electrically, or mechanically operated device by which traffic is alternately directed to stop and permitted to proceed.

IV. INTRODUCTION

Officers, supervisors, and civilian employees will be required to perform traffic direction and control duties at a variety of locations, including collision scenes, fires, parades, concerts, special events, road closings, funeral processions, signal malfunctions, and school crossings.

All Officers and civilian traffic control personnel will wear traffic vests with reflective material when directing traffic during the day and at night. When a police vehicle is available and at that location, blue lights will be utilized during the time traffic is being directed in order to provide additional notice to motorists about the Officer’s presence. The Officer should place the vehicle in a location that provides maximum notice to the public, with minimal obstruction of the Officer.

V. PROCEDURE

A. Manual Traffic Direction

   1. Officers and civilian traffic control personnel will follow these procedures when directing traffic:

      a) Officers and civilian traffic control personnel will wear reflective vests.

      b) Officers and civilian traffic control personnel should be conscious that...
conditions at the location of control may effect other areas. Whenever possible, officers and traffic control personnel will use traffic on adjoining streets to serve as a guide to the needs for control.

2. Officers and traffic control personnel will consider a variety of criteria when determining the need and type of traffic control necessary. Criteria may include, but is not limited to: traffic volume and speed; number of pedestrians; expected duration of the condition; and presence and types of traffic control devices.

3. The decision to use manual traffic control will be made only if an analysis of the existing conditions indicates that unmanned signals and devices cannot adequately ensure safe and efficient movement of traffic.

4. Officers and traffic control personnel should select a position in the roadway that allows a full view of the location and allows approaching motorists and pedestrians the best opportunity to see the officer directing traffic.

5. A position in the center of the intersection or roadway will afford the greatest visibility and is usually used when signals are malfunctioning. This location places the officer in a very hazardous position, therefore great care should be taken to ensure that the officer is visible and has sufficient lighting.

6. Street lights, supplemental lighting, flares, headlamps, flashlights, and wands may be used.

7. A position on or near a corner may be used in areas of heavy pedestrian activity where greater pedestrian control is needed.

B. Signals and Gestures for Directing Traffic

1. Officers and civilian traffic control personnel should assume a posture that reflects a position of authority and command. An erect posture should be assumed, facing traffic with weight evenly distributed on both feet. When not directing traffic, arms should be at the employee’s side.

2. Officers and civilian traffic control personnel should use standard, uniform, and understandable gestures. Unnecessary movements and unorthodox hand signals may cause confusion and lead to hesitation or accidents.

3. Officers and civilian traffic control personnel will:
   a) Stand with their bodies parallel to the traffic being allowed to move, with their front and back to the traffic that is stopped.
   b) Make eye contact with drivers and pedestrians in order to assess the level of their attention.
   c) To stop traffic, first point with the arm and extended hand toward the vehicle being stopped. Give the driver sufficient time and distance to stop. After gaining the driver’s attention, raise the extended hand exposing the palm and hold that position until the driver stops. Use one continuous blast of the whistle to stop vehicles.
d) Stop traffic in one direction, then the other before allowing traffic on a cross-street to proceed. After halting traffic in one direction, hold the extended palm while repeating the procedure until traffic has stopped in both directions. Do not drop the arms until traffic has stopped in both directions.

e) To start traffic, be positioned so that the side is toward the traffic to be started. Look directly at the driver who is to proceed. Point the arm and hand directly toward that driver. Then, bending the arm only at the elbow with the palm up, swing the arm up toward the chin. The whistle may be used to assist by blowing two short blasts to start the driver. If the driver does not move, repeat the procedure. The same procedure should be used to start traffic from the other side. Often a nod of the head while looking directly toward the driver will assist slow or timid drivers.

f) When it is necessary to signal a driver to make a right turn, point the arm and extended hand toward the driver to gain his/her attention. Then swing the arm toward the desired direction. Keep pointing in that direction until the driver proceeds to turn.

g) When it is necessary to signal a driver to make a left turn, it may be necessary to first stop the vehicle, then stop and hold the opposing traffic. If the turning vehicle is approaching from the officer’s left, the stop signal should be given out of the path of the turning vehicle. Then with the left hand, point to the driver with an extended arm and hand and clearly swing the arm toward the desired direction. Be sure to clearly indicate to the driver to turn left and pass in front, not behind. If the turning vehicle is approaching from the right, turn around and face the direction in which the vehicle making the left turn is to go.

h) Point the arm and extended hand toward the driver to gain his/her attention. Then swing the arm toward the desired direction. Keep pointing in that direction until the driver proceeds to turn.

i) If opposing traffic from both directions is to make left turns, indicate so by swinging the other arm in the direction of the turn. Such turns are dangerous and must be watched carefully by the officer to ensure that no conflict arises from the straight-through traffic or pedestrians.

C. Signaling Aids

1. Whistle

The whistle is used to gain the attention of drivers and pedestrians. One long blast is used to signal STOP, two short blasts to signal GO, and several short blasts to gain the attention of drivers or pedestrians not initially responding.

2. Voice

The voice is ordinarily not used because it is difficult to give loud understandable directions in traffic. Shouted signals may antagonize or startle drivers. In the
occasional event that a driver or pedestrian does not understand signals, the 
officer should move as close as possible to the person and politely explain the 
command. The officer should address the person with a proper salutation and 
refrain from shouting, even if provoked.

3. **Illuminated Flashlight Baton**

The flashlight baton should be used at night or in times of reduced visibility, such 
as fog, rain, or snow. To stop a vehicle using a baton, the officer should:

a) Face the moving traffic standing slightly aside from the line of movement. 
The officer should hold the baton in the right hand in a vertical position 
and swing it back and forth to stop vehicles.

b) The GO signal is given in the normal manner using the same arm 
movements that are used without a baton. To permit left turns after 
stopping opposing traffic, the officer should point the lighted end of the 
baton at the driver who is to turn. The officer should then swing the baton 
in an arc toward the direction of the left turn.

c) The light in the baton should be turned off when not giving directions.

4. **Flashlight**

The flashlight may be used to halt traffic in an emergency, but should be 
considered only as a poor substitute for a flashlight baton. To stop traffic, the 
officer should slowly swing the flashlight across the path of the approaching 
vehicle.

The officer should not stand directly in front of the path of the approaching 
vehicle. After the driver has stopped, the officer should give arm signals as usual, 
using headlamps to improve visibility.

5. **Flares or Fusees**

a) Caution must be taken when using flares to ensure that:

1) Sufficient distance is allowed for vehicles to stop or avoid 
obstructions.

2) Sufficient distance is allowed from hazardous materials.

3) Lighted flares, which burn at about 1500 degrees Fahrenheit, are 
handled with caution to avoid burning flesh, uniforms, or nearby 
objects.

b) As speed limits increase, flares should be placed further from the danger, 
warning motorists and giving them the ability to stop or avoid dangerous 
conditions. Following is a list of suggested taper lengths to be used when 
channeling traffic with a line of flares or cones. Curves or hill crests may 
require a greater taper length.
c) The observation of certain traffic behaviors, such as severe brake applications, may indicate the need for greater taper lengths. Flares should be placed as indicated:

1) 55 MPH Zone - 600 foot taper = 55 feet apart.
2) 45 MPH Zone - 500 foot taper = 45 feet apart.
3) 35 MPH Zone - 225 foot taper = 35 feet apart.
4) 25 MPH Zone - 115 foot taper = 25 feet apart.

D. Two Officers Signaling

In the event that two officers signaling is necessary, one officer will assume command of the scene, making decisions and determining the needs for direction and control. The other officer will assist by coordinating signals with the lead officer.

E. Manual Operation of Traffic Control Lights

In case of special events, signal malfunctions or inclement weather, Department employees may use a traffic box key to open a signal control box and place the traffic signal on FLASH. No other alterations or adjustments to traffic signals are authorized.

Commanders and officers are authorized to possess traffic signal box keys. In the event of signal malfunctions, officers will advise the Communications Officer of the road hazard.

The Communications Officer will notify the North Carolina Department of Transportation that the signal needs repair. If the signal is completely non-functioning and the lights can not be placed on FLASH, the officer should attempt to manually control traffic at the location until the signal can be repaired.

F. Temporary Traffic Control Devices

Barricades, cones, portable signs, and other temporary traffic control devices may be used by Department employees to provide safe and efficient control of traffic. These devices may be acquired from the Public Works Department, the North Carolina Department of Transportation, or the North Carolina State Highway Patrol. These devices may be used for, but are not limited to, the following circumstances:

1. Sustained power outages.
2. Special events.
3. Traffic signal malfunctions.
4. Other situations where commanders deem necessary.

G. Special Events

1. Special events include any scheduled activities involving large amounts of vehicular and/or pedestrian traffic for short periods of time. Officers will assist in
traffic control and direction at special events.

2. The Patrol Commander or his/her designee will be responsible for assigning personnel and planning traffic control for special events.

3. The following concerns will be addressed in the planning of traffic control and direction for special events:
   a) Planning of routes to allow for normal and emergency activities to continue with minimal disruption.
   b) Provision of unrestricted access from at least one direction for emergency services (fire, rescue, police).
   c) Need for traffic control devices.
   d) Need for adequate crowd control.
   e) Provisions for media coverage.
   f) Identification of civilian persons working the event.
   g) Public transportation needs.
   h) Consideration of the capabilities and responsibilities of volunteers and private traffic/security personnel.
   i) Parking needs.
   j) Police officers' assignments and scheduling.
   k) Inter-agency assistance needs.
   l) Ingress and egress of vehicular and pedestrian traffic.

4. A detailed after-action report for each special event will be submitted to the Chief of Police by the appropriate commander, and will include a synopsis and evaluation of the operation.

H. Traffic Control at Collision Scenes

1. Officers must consider a number of factors when controlling traffic at collision scenes including, but not limited to, the following:
   a) Road width, traffic volume, and surrounding environment.
   b) Hazards such as oil, fuels, hazardous materials, and debris; The use of flares should be avoided near spills.
   c) Motorists ability to see officers; Multiple officers may be needed and control should be coordinated between them. This situation may occur when routing traffic around large collisions, routing traffic on the wrong side of highways, during fog, at night, and near collisions in curves or over
hills crests. Officers should use appropriate warning equipment.

d) Coordination with other emergency vehicle crews and tow trucks.
e) An analysis of the need to create detours; Traffic should not be allowed to enter an area that it cannot leave.

2. Officers should always attempt to keep traffic flowing without presenting further dangers. Traffic backups may create other collisions. Special attention should be given to prevent backups of traffic near intersections, hill crests, and curves.

3. Officers should never route traffic onto the opposite side of a highway unless there is adequate personnel to ensure safety.

I. Traffic Control at Fire Scenes

Because fires attract a significant number of pedestrian and vehicular onlookers, officers must take precautions to keep these persons out of the area where fire personnel are working. Officers should coordinate their direction efforts with the Fire Department supervisor to ensure that traffic does not interfere with their ability to fight the fire. Traffic should be routed so vehicles are not allowed to drive over fire hoses unless the hoses are protected with the appropriate devices.

J. Traffic Direction During Adverse Road or Weather Conditions

During periods of adverse weather such as snow, hail, fog, flooding, or ice storms, or upon locating road hazards such as downed lines, ruts, holes, etc., officers should notify the Communications Officer of the existing conditions and request that the Communications Officer notify the appropriate agency to assist in repairing or changing the conditions. Traffic control at the location should be provided as appropriate.

K. Escort Services

Funeral escort requests should be submitted to the on-duty Patrol Supervisor. Other requests for non-emergency escorts, such as large equipment, houses, bank escorts, etc., should be authorized by the on-duty Patrol Supervisor.

L. Use of Roadblocks

Roadblocks are inherently dangerous and must be authorized by the Patrol Commander.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers of this agency with guidelines for handling intoxicated persons.

II. POLICY

It is the policy of this law enforcement agency that Officers will follow specific North Carolina General Statutes when encountering intoxicated person who appear intoxicated in a public place.

III. DEFINITIONS

North Carolina General Statute 14-443 defines the following:

- **Alcoholism**: “Is the state of a person who habitually lacks self-control as to the use of intoxicating liquor, to the extent that his health is substantially impaired or endangered, or his social or economic function is substantially disrupted.”

- **Intoxicated**: “Is the condition of a person whose mental or physical functioning is presently substantially impaired as the result of the use of alcohol.”

- **A Public Place**: “Is a place which is open to the public, whether it is publicly or privately owned.”

IV. PROCEDURE

A. No Prosecution For Public Intoxication

North Carolina General Statute 14-447 states that:

1. “No person may be prosecuted solely for being intoxicated in a public place. A person who is intoxicated in a public place and is not disruptive may be assisted as provided in N.C.G.S. 122C-301.”

2. “If, after arresting a person for being intoxicated and disruptive in a public place, the law enforcement officer making the arrest determines that the person would benefit from the care of a shelter or health-care facility as provided by N.C.G.S. 122C-301, and that he would not likely be disruptive in such a facility, the officer may transport and release the person to the appropriate facility and issue him a citation for the offense of being intoxicated and disruptive in a public place.”
Mayodan Police Department Policy Manual

B. Assistance Provisions

In 1978, North Carolina repealed the “public drunk” offense. In accordance with N.C.G.S. 122C 301(a), Officers may attempt to provide assistance to intoxicated subjects by utilizing any of the following methods:

1. By directing or transporting the intoxicated person home.
2. By directing or transporting the intoxicated person to the residence of another person willing to accept him/her. The person need not be a relative of the intoxicated person, but should be a responsible person.
3. By directing or transporting the intoxicated person to an approved shelter facility if he/she is in need and unable to provide himself/herself with food, clothing, or shelter, provided he/she is not apparently in need of immediate medical care.

North Carolina General Statute 122C-303 also states:

“In addition to the actions authorized by N.C.G.S. 122C-301 (a), an officer may assist an individual found intoxicated in a public place by directing or transporting that individual to a city or county jail. That action may be taken only if the intoxicated individual is apparently in need of and apparently unable to provide for himself food, clothing, or shelter, but is not apparently in need of immediate medical care and if no other facility is readily available to receive him. The officer and the employee of the jail are exempt from liability as provided in N.C.G.S. 122C-301(b).”

During the assistance of an intoxicated person, an officer may:

1. Use reasonable force to restrain and/or prevent the person from injuring themselves, the officer or others.
2. Use a “pat down” frisk.
3. Search for weapons.
4. If necessary, use handcuffs or other restraining devices, during transportation.

Upon finding a person who is unconscious, semi-conscious or otherwise unable to provide information on the cause of the condition, the officer will make a reasonable effort to provide immediate medical attention. (See Medical Treatment of Prisoners 1.07.

C. Arrest Provisions

Though providing assistance to an intoxicated person is preferred, there may be times when it becomes necessary to arrest an intoxicated person when he/she violates the provisions listed in N.C.G.S. 14-444. Normal custodial arrest procedures will be followed in these instances.

North Carolina General Statute 14-444 states:

“It shall be unlawful for any person in a public place to be intoxicated and disruptive in any of the following ways:
Mayodan Police Department Policy Manual

1. Blocking or otherwise interfering with traffic on a highway or public vehicular area;
2. Blocking or lying across or otherwise preventing or interfering with access to or passage across the sidewalk or entrance to a building; or
3. Grabbing, shoving, pushing, fighting others or challenging others to fight; or
4. Cursing or shouting at or otherwise rudely insulting others; or
5. Begging for money or other property.”

D. Homeless Persons

There are many causes of homelessness. Some of the reasons include the loss of a job and income, reduction in pay or hours, the loss through separation or death of a loved one, physical or mental illness, substance abuse, loss of self esteem, or a series of unfortunate events and the inability to connect to agencies who can help.

In the event an officer encounters a homeless person, the Communications Officer should contact the Rockingham County Help for Homeless. RCHH, Incorporated is a faith based non-profit organization that provides a variety of base level support services to individuals in Rockingham County who are homeless or at risk of becoming homeless.

Officers should not refer an intoxicated or impaired homeless person to RCHH. Officers who encounter an intoxicated or impaired homeless person should transport the individual to the Rockingham County Sheriff’s Office for a 24-hour hold.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers with the guidelines for handling hazardous materials incidents.

II. POLICY

It is the policy of this law enforcement agency that Officers will coordinate the response to hazardous materials emergencies under the direction of the commanding fire official on the scene. Police personnel will evacuate persons in the immediate vicinity of a hazardous materials incident. Decisions concerning wide-area evacuations will be deferred to fire officials.

III. PROCEDURE

A. Initial Response

The initial response will vary for each incident, dependent upon the material and type of hazard involved. The following guidelines will apply:

1. Dispatch of Units

Upon the report of a hazardous materials incident, the Communications Center will dispatch the closest police unit and a police supervisor, in addition to necessary Fire Department and Emergency Medical Service (EMS) units.

When dispatching the initial call, the Communications Center should indicate the class of material involved and the nature of the emergency, if known.

2. Arrival on the Scene

Police units should approach the scene from a direction that is preferably upwind and shielded from direct exposure. Upon arrival, officers should:

a) Not approach the ends of a tanker truck or railway car.

b) Not operate a vehicle within 300 feet of any spill, debris, or gas cloud, until the hazardous material has been generally identified and the severity of the incident has been determined.

c) Not park near any manhole cover or sewer drain; Many chemicals create explosion hazards when spilled into sewer drains, and the blaze will vent through whatever openings exist.

d) Use the public address system, bullhorn, or any other means to clear...
persons within a radius of 300 feet, until the hazardous material has been generally identified and the severity of the incident has been determined.

e) Render aid to those in immediate danger if possible without unduly jeopardizing personal safety; The nature of the hazardous materials may be unknown, and if the initial officers are seriously injured before additional information can be relayed to the Communications Center, successive rescue attempts will be delayed.

f) If a tanker car or container starts emitting a rising sound from a venting safety device, withdraw or seek substantial cover immediately.

g) Use gloves or whatever clothing is available to protect exposed surfaces of the body; Use gas masks, handkerchiefs, or any other means available to protect the eyes, nose, and mouth.

h) Not enter the designated exclusion area or ‘hot zone’ for any reason without appropriate protective equipment; Fire Department personnel are equipped to enter these areas.

3. Initial Assessments

As soon after arrival as possible, the first officer on the scene should perform a quick assessment. If a hazardous materials incident is confirmed, the first officer on the scene will initiate the Rockingham County Incident Command System or the Fire Department’s Incident Command System as appropriate.

4. Location and Approach Route

The officer conducting the assessment should report the address and exact position of the hazard and provide a suggested route and location for fire and EMS personnel. The suggested location for additional personnel should be upwind and shielded from the scene.

5. Identification of the Hazard

The officer conducting the assessment should report the class of hazardous material involved, which can normally be determined by the markings on the vehicle or containers involved. The officer should state the nature of the problem, such as fire, chemical spill, etc. and if there is a possibility of chemicals spilling into storm drains. Officers may use the North American Emergency Response Guidebook, published by the United States Department of Transportation, to help identify the hazardous material involved.

6. Location of the Driver or Operator

The vehicle driver or person in charge of hazardous materials should have in his/her possession a CHEMCARD, Material Safety Data Sheet (MSDS), and shipping manifest. Unless the vehicle driver or person in charge requires medical treatment, he/she should be transported to the field command post.

When not in the vehicle driver’s possession, the CHEMCARD should be located
in the driver’s door pouch or on the seat. In the case of railroad accidents, this information will be located in the engine car and should be within reach of the engineer and conductor at all times. If the CHEMCARD is not available, officers can obtain this information from the United States Department of Transportation North American Emergency Response Guidebook by using the chemical name or identification number.

7. Area Evacuations

The first responding officer(s) should evacuate persons within a radius of 300 feet from the incident scene when practical. The nature of the hazardous material, once identified, may dictate that a wider area be evacuated at the discretion of the Incident Commander.

All decisions concerning the area and extent of an evacuation should be deferred to the Incident Commander. Guidelines can usually be obtained from the CHEMCARD carried with the hazardous materials, and/or the Communications Center may contact CHEMTREC for additional information.

Evacuations may require the deployment of additional patrol officers and/or the Emergency Response Team.

B. Field Command Post

The ranking Police Department official on the scene will establish a police command post as part of the field command post established by the senior Fire Department official in order to coordinate evacuation efforts.

An officer or other Police Department employee should be designated as Incident Reporter and assigned to the field command post to record times, events, assignments, and activities performed by Police personnel.

The Incident Commander may appoint a Safety Officer to be responsible for monitoring and assessing hazardous or unsafe situations and for developing measures for assuring personnel safety. The Safety Officer will attempt to correct unsafe acts or conditions through the regular chain of command, but has the emergency authority to stop or prevent unsafe acts when immediate action is required.

C. Staging Area

A Police Department commander will designate a police staging area at a safe location. A supervisor should be assigned to the staging area to provide information and assignments.

D. Emergency Treatment Post

All persons evacuated by police personnel should be directed to a designated emergency treatment post, as the effects of many hazardous materials are not immediately apparent. Officers should try to obtain the names, addresses, and phone numbers of persons who object to being detained at the designated treatment post.

E. Mass Transportation
In the event that mass transportation is needed, school buses are available for use from the Rockingham County Public Schools. Vehicles from the Town's Public Works Department also may be used.

F. Emergencies Involving Radioactive Materials

The following special considerations apply when dealing with radioactive materials:

1. **Dispatch of Units**

   After receiving a call in which radioactive materials are possibly involved, the Communications Center will dispatch the nearest police and fire units and a police supervisor. The Communications Center should then notify Rockingham County Fire Marshall’s Office.

2. **Arrival on the Scene**

   Officers should approach the scene from an upwind direction and should render aid to persons in immediate danger if possible without unduly jeopardizing the safety of the officer.

   Few radioactive materials authorized for shipment are deadly unless exposure occurs over an extended period of time. Officers should, nonetheless, avoid unnecessary contact with exposed persons, spills, or debris, and should avoid inhaling fumes. If an officer finds himself/herself in a contaminated area, he/she will use a gas mask or handkerchief to cover the nose and mouth while leaving the area immediately.

   As soon as possible, the officer should inform the Communications Center of the type of Hazardous Materials placard posted on the involved vehicle or container.

3. **Confirmation of Radiation Leaks**

   If either a visual observation or dosimeter reading by fire personnel indicates that a leakage has occurred, the Communications Center should begin making the necessary notifications for additional personnel.

4. **Moving Injured Persons**

   Injured persons should be moved from the incident area with as little physical contact as possible, and held in an area shielded from the scene until emergency aid is received. If the injured need transportation to a hospital, the Communications Center should notify the receiving hospital that they will have incoming patients with possible radiation contamination and indicate the estimated number of patients.

5. **Evacuations Involving Radioactive Materials**

   Police personnel will rely on the advice of the Radiation Protection Emergency Team Chief with Rockingham County Fire Marshall’s Office concerning safety measures and possible dangers.
In general, an exclusion area of 2000 feet should be established unless buildings or terrain shields the radiation source. Vehicular and pedestrian traffic should be stopped at the edge of the exclusion area.

Emergency medical personnel should establish a decontamination station. Officers should attempt to segregate persons who may have been exposed to radioactive materials and direct them to the decontamination station.

6. Decontamination

All officers and equipment involved in clean-up operations will be checked for dosimeter readings above recommended levels and should not be returned to normal patrol until approved by the Radiation Protection Emergency Team.

Officers should not attempt to clean up a collision area involving radioactive materials, except under specific instructions from the Radiation Protection Emergency Team. Officers will not enter the exclusion area.

The appropriate county, state, and/or federal agencies will coordinate needed surface decontamination. Property that cannot be decontaminated will be disposed of by the appropriate county, state, or federal agency.

If radioactive materials have spilled into storm drains, the Town's Public Works Director, Town Manager, and the North Carolina Department of Environment and Natural Resources must be contacted.

G. Reporting Hazardous Materials Emergencies

The Town is legally required to report incidents involving hazardous materials to various state and federal agencies.

H. Legal Notifications

Agency notification requirements vary according to the material involved and the type of incident. The Fire Department is responsible for making these notifications. The designated Incident Commander will prepare any required after-incident reports.

I. Media Releases

Police officials are authorized to release information to the news media concerning areas to be evacuated and designated exit routes. Questions concerning the type of materials involved, hazards created, etc. should be referred to the Town's Public Information Officer.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers with the guidelines for handling bomb threats and suspicious packages.

II. POLICY

It is the policy of this law enforcement agency that Officers will assist in locating suspect devices. Any movement or investigation of suspect devices should be left to the State Bureau of Investigation (SBI) Bomb Disposal Unit or other authorized Explosives Ordnance Disposal (EOD) Unit.

III. INTRODUCTION

In the event of a bomb threat, the primary responsibility of officers is public safety. The decision to evacuate the location of a bomb threat or suspicious package should normally be left to the authority in charge of the property. The decision to evacuate the property may be made by the Shift Supervisor, however, when the threat appears valid.

Officers may advise the authority in charge of the property on procedures to be followed in conducting evacuations and/or searches. In the event of a bomb threat or suspicious package on Town property, the decision to evacuate will be made by the Police Incident Commander in charge of the scene in consultation with the appropriate emergency and Town personnel.

IV. PROCEDURE

A. Receipt of Call

Any person receiving a telephone bomb threat should be trained and/or encouraged to keep the caller talking as long as possible. An attempt should be made to gather the following information:

1. Location of caller and bomb.
2. Type of bomb.
3. Time of detonation.
4. Motive of the caller, if the caller is believed to be the suspect.
5. Description of the caller, including gender, race, age, and accent.
A second person should notify the Communications Center while the first person is on the phone with the caller.

B. Validity of the Threat

The person receiving the bomb threat should be interviewed immediately to determine the validity of the threat.

C. Response

Upon receipt of a bomb threat, the Communications Center will immediately return the call for confirmation, then notify the appropriate District Supervisor and the Fire Department by telephone.

D. Dispatch of Units

Responding units should discontinue radio transmissions when within 100 feet of the location. Radio transmissions can detonate electronic explosive devices. Hand-held radio units should not be used within 50 feet of a suspected device. Media with high-powered antennas should not be allowed to set up within 300 feet of the suspected area.

As soon as possible after arrival, the first officer on the scene should provide the Communications Center with a telephone number through which further communications can be conducted. Officers should exercise care not to create undue alarm among persons at the scene or media in the area.

E. Evacuation

The Communications Center will not advise the caller on initiating an evacuation in the event of a bomb threat. The decision to evacuate must be made by an authority in charge of the property.

If the authority in charge of the property decides to evacuate, he/she may wish to designate a floor monitor for each floor or work area. Fire evacuation plans already established for the school or other building should be followed.

Workers should note, but not touch, any suspicious objects prior to leaving their work area. The location of these objects should be reported to the floor monitor. Employees' personal belongings should be carried with them as they leave.

Once an area is clear, the floor monitor should secure it to prevent unauthorized re-entry. The person receiving the call, the designated floor monitors, and the authority in charge of the property should be prepared to meet police personnel at a central location.

F. Search for Suspect Devices

Officers should refrain from initiating a search prior to the arrival of a supervisor. Unless a detonation is imminent, the supervisor should offer to assist the authority in charge of the property in searching the premises, regardless of whether an evacuation is ordered.
G. Vehicles

Officers may check around and under vehicles, but should not attempt to search vehicles. If a vehicle is involved, the SBI Bomb Disposal Unit should be notified. Many car bombs are wired to explode once a door or hood is opened. Vehicle searches should, therefore, only be conducted by properly trained persons.

H. Buildings

Persons who are familiar with the property are more likely than police to spot foreign objects. The authority in charge of the property should be asked to assist in coordinating the search.

The authority in charge of the property may designate floor monitors for each area. If directed by the authority in charge of the property, workers should search their own work areas thoroughly, without handling any suspicious object but reporting its location to the floor monitor.

Officers should check the exterior of the building first, including:

1. The parking lot.
2. The ground adjacent to the building.
3. Window sills.
4. Stairs.
5. Fire escapes.
6. Any area that may be used as a Command Post for emergency operations.

Officers should execute the search from the basement first, working upwards. Officers should search all areas available to the public including lobbies, hallways, toilets, stairways, elevators and shafts, lockers, phone booths, storage areas, and removable ceiling tiles.

Once an area has been searched and re-searched, officers should secure it to prevent re-entry using police line tape carried in the Team Commander's vehicles. The tape should be secured to doorknobs or handles and the door leading to the secured area should be closed. If there is no door, the tape should be secured across the entryway in a visible manner.

I. Location of Suspect Devices

If a suspicious package or device is discovered, officers should:

1. Not touch or disturb the package or device.
2. Not put objects over the package or device.
3. Obtain an accurate description of the package or device.
4. Have the appropriate Fire Department units dispatched.
5. Notify the SBI Bomb Disposal Unit to evaluate and dispose of the package or device.
6. Notify the appropriate supervisor.
7. Secure a 100 yard radius.
8. Evacuate the property.
9. Provide police security in the area of the package or device and conduct further evacuation as required.
10. Continue to search for additional packages or devices if necessary.
11. Protect the area as a crime scene.

J. Exploded Devices

In the event that an explosive device has already detonated, officers should:
1. Institute the Rockingham County Incident Command System.
2. Notify other emergency services.
3. Ensure the medical treatment of injured persons.
4. Secure the area.
5. Maintain the crime scene by starting a log, allowing no access to unauthorized persons, protecting evidence, and attempting to locate witnesses.
6. Be aware of the possibility of a second device.

K. Suspicious Packages

Suspicious packages will be handled on a case-by-case basis in accordance with current applicable federal, state, and Fire Department guidelines.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers of this agency with guidelines for enforcing Driving While Impaired offenses.

II. POLICY

It is the policy of this law enforcement agency that officers will use a comprehensive program of countermeasures to deter and remove impaired drivers from the roads, including: Line, area, and directed patrol, Driving While Impaired (DWI) sobriety checkpoints, Drug Recognition Evaluation and educational presentations and displays.

III. DEFINITIONS

*Alcohol concentration*: The concentration of alcohol in a person.

*Chemical Analysis*: A test of the blood or breath of a person to determine his/her alcohol concentration, performed in accordance with North Carolina General Statute 20-139.1

*Chemical Analyst*: A person granted a permit to perform chemical analyses by the state Department of Environment, Health and Natural Resources under North Carolina General Statute 20-139.1.

*Impairing Substance*: Alcohol; any controlled substance under North Carolina General Statute Chapter 90, Article 5; any other drug or psychoactive substance capable of impairing a person’s physical or mental faculties, or any combination of these substances.

*Implied Consent Offense*: An offense involving impaired driving or an alcohol-related offense subject to the procedures set forth in North Carolina General Statute 20-16.2, including:

- Impaired driving under North Carolina General Statute 20-138.1.
- Felony death by vehicle under North Carolina General Statute 20-141.4.
- Second-degree murder under North Carolina General Statute 14-17, or involuntary manslaughter under North Carolina General Statute 14-18 when conviction is based upon impaired driving.
➢ Impaired driving in a commercial vehicle under North Carolina General Statute 20-138.2.

➢ Driving by persons less than 21 years old after consuming alcohol or drugs under North Carolina General Statute 20-138.3.

➢ Impaired instruction under North Carolina General Statute 20-12.1.

➢ Driving while license revoked under North Carolina General Statute 20-28.

➢ Transporting an open container of alcoholic beverage after consuming alcohol under North Carolina General Statute 20-138.7.

➢ A driver who drives a vehicle on a highway, street, or public vehicular area thereby gives consent to a chemical analysis if charged with an implied consent offense.

*Under the Influence of an Impairing Substance:* The state of a person having his/her mental or physical faculties, or both, appreciably impaired by an impairing substance.

IV. INTRODUCTION

DWI Laws:

A. North Carolina General Statute 20-138.1

Officers will charge drivers of vehicles with an impaired driving offense if the driver operated a vehicle on a highway, street, or public vehicular area within the State of North Carolina:

1. While under the influence of an impairing substance, or

2. After having consumed sufficient alcohol that he/she has, at any relevant time after the driving, an alcohol concentration of 0.08 or more.

B. North Carolina General Statute 20-138.2

Officers will charge drivers of commercial motor vehicles with an impaired driving in a commercial motor vehicle offense if the driver operated a commercial motor vehicle on a highway, street, or public vehicular area with the State of North Carolina:

1. While under the influence of an impairing substance, or

2. After having consumed any amount of alcohol that he/she has, at any relevant time after the driving, any remaining alcohol in his/her body.

C. North Carolina General Statute 20-138.3
It is unlawful for a person less than 21 years old to drive a motor vehicle on a highway, street, or public vehicular area while consuming alcohol or at any time while he/she has remaining in his/her body any alcohol or in his/her blood a controlled substance previously consumed. A person less than 21 years old does not violate this provision if he/she has a controlled substance in his/her body that is legally obtained and taken in therapeutically-approved amounts.

V. PROCEDURE

A. Driving While Impaired (DWI) Sobriety Checkpoints

1. Site Selection

   The selection of a site for DWI checkpoints will be made with consideration given to the following criteria:

   a) There must be a likelihood of detecting impaired drivers, which can be determined by considering information such as numbers of DWI arrests in a prospective area, DWI collision history, traffic volume, and proximity to establishments serving alcoholic beverages.

   b) The checkpoint must be planned to cause minimal intrusion to passing motorists.

   c) Locations chosen must permit the safe flow of traffic through the checkpoint. Consideration should be given to the posted speed limits, traffic volume, and visibility.

2. Personnel

   A uniformed supervisor will be assigned to provide on-scene supervision of the checkpoint. The checkpoint will be staffed with a sufficient number of officers to provide a safe and efficient operation. Two checkpoint avoidance officers will be utilized in addition to checkpoint officers, if possible.

3. Advance Notification

   Media interest in checkpoints will be encouraged to enhance the deterrent effects. Other public safety agencies that may be impacted by the checkpoint will be notified in advance.

4. Checkpoint Marking

   Special care will be taken to warn approaching motorists of sobriety checkpoints. The following equipment will be used to mark checkpoints:

   a) Warning signs advising motorists that they are approaching an authorized sobriety checkpoint.

   b) Warning signs to indicate the need to merge lanes and stop ahead.

   c) Flares or fusees, based upon supervisory discretion.
d) Orange safety cones with reflective material to channel traffic and lead to the checkpoint center.

e) Portable lighting to improve visibility.

f) Patrol cars with operating blue lights.

g) Reflective safety vests and flashlights for officers.

5. Checkpoint Plan

The commander in charge of the sobriety checkpoint must file an operational plan prior to conducting the checkpoint. A copy will be provided to the Patrol Commander.

The plan will be systematic and will include the location, times, and pattern for stopping vehicles. The pattern for stopping vehicles, once selected, cannot be deviated from unless approved by the commander in charge. Each deviation from the plan will be documented and a specific reason for the deviation recorded.

6. Detection and Investigation Techniques

All officers who staff a sobriety checkpoint should be experienced and trained in detecting impaired drivers. Steps will be taken to minimize intrusion to non-impaired drivers, such as using a uniform introductory conversation and uniform procedures with all drivers. Examples of actions officers may take during initial contact with a driver are:

a) Detection for the odor of alcohol.

b) Observation of bloodshot eyes.

c) Observation of alcohol containers or drug paraphernalia.

d) Detection of fumbling fingers, slurred speech, inappropriate responses, and/or admissions of alcohol or drug use.

Officers will use a uniform statement as motorists approach, such as ‘Good evening. You have been stopped at a Department approved sobriety checkpoint. You may be requested to submit to an alcohol screening test. May I see your driver’s license?’

While the motorist is looking for his/her driver’s license, the officer will engage in conversation with the driver to divide his/her attention. The officer will ask questions in reference to the motorist’s destination, origin, and whether he/she has consumed any impairing substance that day.

If the answer is ‘No,’ and there are no compelling reasons to detain the vehicle, the officer will allow the motorist to proceed. If impairment is suspected, the officer will ask the driver to exit the vehicle and escort him/her to the staging area where tests will be conducted away from the flow of traffic. Another officer will move the suspect’s vehicle off the roadway.
The officer may subject the driver to field sobriety tests to help determine the level of impairment. These tests may include, but are not limited to:

a) Horizontal Gaze Nystagmus.
b) Walk and Turn.
c) One Leg Stand.
d) Finger to Nose.
e) Balance.
f) Alphabet.

The officer may also ask the driver to take an alcohol screening test using an alcohol screening device to make an on-the-scene determination of the driver’s blood alcohol concentration.

B. Implied Consent Offenses

1. Duties of the Charging Officer Prior to Arrest

   The charging officer will begin preparing to testify in court upon the initial observation of a driver suspected of impaired driving. The officer will observe and note any unusual driving by the suspect.

   After stopping the suspect, the officer should remember any unusual characteristics of the suspect, including the odor of alcohol, appearance, dress, speech, mental state, attention span, reasoning ability, and any other indicator of mental or physical impairment.

   The officer will observe the passenger area of the vehicle for any evidence of the use of impairing substances in order to charge other alcohol or drug-related offenses.

2. Field Sobriety Testing and Alcohol Screening

   The charging officer may use field sobriety tests and authorized alcohol screening devices in order to make on-the-scene determinations of a person’s breath alcohol concentration. These devices will assist in determining probable cause to charge the driver with an implied consent offense.

   In accordance with North Carolina General Statute 20-16.3, officers may request a driver to submit to an alcohol screening test within a relevant time after the driving if the officer has:

   a) Reasonable grounds to believe that the driver has consumed alcohol and has committed a moving violation or has been involved in an accident or collision.

   b) An articulable and reasonable suspicion that the driver has committed an implied consent offense and the driver has been lawfully stopped for a
driver’s license check or otherwise lawfully stopped or lawfully encountered by the officer in the course of the performance of the officer’s duties.

Before conducting an alcohol screening test, the officer will determine that the driver has removed all food, drink, tobacco products, chewing gum, and other substances and objects from his/her mouth. Permanent dental devices that are of non-porous material need not be removed.

Unless the driver volunteers the information that he/she has consumed an alcoholic beverage within the previous 15 minutes, the officer will administer a screening test as soon as feasible. If a test made without observing a waiting period results in an alcohol concentration reading of 0.08 or more, the officer will wait five minutes and administer an additional test.

If the results of the additional test show an alcohol concentration reading more than 0.02 under the first reading, the officer will disregard the first reading. If an officer has a question concerning any screening test results, the officer may request that the driver submit to one or more additional screening tests and, if appropriate, wait a reasonable period between tests.

In administering any test, the officer will use an alcohol screening test device approved under Title 15A, Chapter 19B of the North Carolina Administrative Code. The officer will use the device in accordance with operational instructions provided with the device. The waiting periods set forth by this directive will supersede those specified by the manufacturer.

Alcohol screening test devices may be used by officers in addition to the officer’s observations and other psychophysical tests to develop probable cause for impaired driving arrests. Officers should not rely on the results of screening tests only. The results may not be admissible in court except to establish probable cause.

The calibration of alcohol screening test devices will be verified at least once during every thirty days of use by the utilization of a control sample from an ethanol canister. Alcohol screening test devices will be deemed properly calibrated when the result of 0.08 or 0.07 alcohol concentration is obtained. A record of calibration procedures will be maintained for each alcohol screening test device through the use of an ethanol gas canister log.

C. Drug Recognition Evaluation

Officers trained and certified as Drug Recognition Experts can enhance the Department’s efforts to reduce drug-impaired driving. Drug Recognition Experts are trained to gather evidence to substantiate charges of Driving While Impaired by drugs other than alcohol and to reach reasonable, accurate conclusions concerning the drug category(s) or medical condition causing impairment.

Based on these informed conclusions, the Drug Recognition Expert can request that the charging officer collect a blood sample under implied consent for chemical analysis to obtain corroborative, scientific evidence of the suspect’s drug use.
1. Criteria

In the event that a vehicle collision results in a fatality, the charging officer may contact a Drug Recognition Expert as needed.

The charging officer should also contact a Drug Recognition Expert under the following circumstances:

a) When the driver of a vehicle is suspected of Driving While Impaired and the officer has probable cause to believe that drugs may be a significant or sole cause of the observed impairment; or

b) When the driver of a vehicle is investigated for Driving While Impaired, a breath test has been performed using either a portable breath testing device or evidentiary breath test instrument, and the breath alcohol concentration is below 0.08 and inconsistent with the level of impairment; or

c) When the driver of a vehicle involved in a collision has been placed under arrest for Driving While Impaired or criminally related charges, and physical evidence developed during the investigation reveals drug use as a probable cause of impairment; or

d) A vehicle collision results in serious physical injury and, based on the opinion of the investigating officer or supervisor, a Drug Recognition Expert is needed to determine drug or medical impairment of the driver.

2. Call-Out Procedures

Due to the rapid dissipation of the effects of certain drugs, a rapid response is critical. The officer should enlist the services of the nearest Drug Recognition Expert as quickly as possible.

a) The officer should first attempt to contact an on-duty Drug Recognition Expert with the North Carolina Highway Patrol.

b) If no on-duty Drug Recognition Expert is available, the officer should request that Communications call an off-duty Drug Recognition Expert.

In some cases where time is critical or when a Drug Recognition Expert is unable to respond, a telephone conversation with a Drug Recognition Expert may enable the officer to collect evidence of impairment to assist in establishing probable cause.

3. Reporting Responsibilities

For each Drug Recognition Evaluation conducted by a DRE:

a) The charging officer will ensure that evidence collected from the suspect is submitted following departmental guidelines, and immediately following the submission of blood samples, contact the District Attorney’s office and request that a letter be sent to the SBI lab requesting an analysis of the
sample for impairing substances.

b) Whenever a Drug Recognition Expert from outside the agency is used, the charging officer will request that the DRE complete and submit the standardized DRE report narrative and standardized 12-step checklist.

c) The charging officer will be responsible for obtaining and forwarding documents completed by the DRE to Records.

D. Securing the Suspect’s Vehicle After Arrest

After placing a driver under arrest for committing an implied consent offense, the officer must assist the driver by securing the vehicle. Several options exist for securing the vehicle:

1. The vehicle may be locked, if locks are operable, and left at the place of arrest provided that parking is legal at that location.

2. The suspect may be allowed to let someone else take physical control of the vehicle. However, the officer should not allow another individual to operate the vehicle until he/she first confirms that the individual holds a valid driver’s license and is not under the influence of an impairing substance at the time.

3. If the suspect is incapacitated and unable to make a determination alone, the officer has the authority to have the vehicle towed or release it to the registered owner, if the owner is not the subject arrested.

4. If the vehicle cannot be left because it is in violation of a parking law or creates a safety hazard, the officer has the authority to have the vehicle towed. The suspect should be given the opportunity to have the vehicle removed without towing if practical.

E. Duties in Providing for Chemical Analysis

1. Arrests

Once the suspect is in custody and his/her vehicle has been secured, the charging officer must transport the suspect to either a hospital or a Breath Test Site. Only officers certified to perform chemical analysis can operate the INTOX EC/IR II breath testing instrument.

If the arresting officer is not a certified chemical analyst, the officer will notify the Communications Center that a chemical analyst is needed, and the chemical analyst will perform chemical analysis of the suspect’s breath.

Officers may elect to transport the suspect to a local hospital for the collection of a blood sample to determine blood alcohol concentration. Blood alcohol testing may also be performed if the suspected driver is inured and transported to a hospital for medical assistance.

At the hospital, the chemical analyst will provide a blood collection evidence kit. Hospital staff will take the blood sample and give it to the charging officer to
maintain as evidence. The charging officer will follow departmental guidelines for submitting the blood collection kit into evidence. It will be the evidence custodian’s responsibility to submit the blood to the State Bureau of Investigation’s laboratory for analysis.

In cases where the suspect refuses to submit to a chemical analysis, the officer may compel him/her to submit a blood sample to determine blood alcohol concentration. An officer may contact Rockingham County EMS and have a trained paramedic withdraw the blood sample en lieu of transporting them to a local medical facility.

2. Distribution of Paperwork

If the charging officer is not the chemical analyst, the chemical analyst will provide the charging officer with various forms completed by the chemical analyst.

The officer will be responsible for completing and distributing forms related to the arrest. The forms and appropriate distribution are as follows:

a) Chemical Analysis Rights Form - one to the defendant and one to the charging officer.

b) Record of Subject’s Breath Tests - one to the defendant and one to the charging officer.

c) Affidavit and Revocation Report of Chemical Analyst - three notarized copies to the charging officer.

d) Operational Checklist - one to the charging officer.

e) Affidavit and Revocation Report of Charging Officer - three notarized copies to be completed and maintained by the charging officer.

f) Driving While Impaired Report Form - one to be completed by the charging officer. With the exception of the DWI Report Form, these forms will be presented to the committing magistrate. The magistrate will forward the forms needed for the District Attorney’s office to the Clerk of Court, give the defendant his/her copies, and return the rest to the officer.

All forms returned to the officer will be forwarded to his/her supervisor for review, then forwarded to the Records Clerk along with the required departmental report forms. The Records Clerk will distribute required copies to the North Carolina Division of Motor Vehicles.

The magistrate will be responsible for determining the release conditions of the suspected impaired driver.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers of this agency with the guidelines for issuing traffic warning tickets.

II. POLICY

It is the policy of this law enforcement agency that officers may issue traffic warning tickets to motorists en lieu of verbal warnings or uniform citations.

III. INTRODUCTION

In an effort to improve the effectiveness of traffic law enforcement, the Department has established a traffic warning ticket. This warning ticket is intended to fill the gap between a verbal warning and the issuance of a citation. It is also intended to aid in the compliance of motor vehicle equipment laws without involving the violator with the court system. The warning ticket is intended as an additional traffic enforcement tool to be used by the officer at his/her discretion.

IV. PROVISIONS

Statutory Provisions

A. Law Enforcement Officers are permitted, by General Statute 20-183(b), to issue warning tickets to motorists for:
   1. Borderline moving violations.
   2. Equipment violations.

B. The statute directs that each warning ticket must:
   1. Be pre-numbered.
   2. Contain the identity of the offender.
   3. Be signed by the issuing officer.

C. The statute further directs that a copy of each warning ticket must:
   1. Be given to the violator.
   2. Be forwarded to the Drivers License Section of the North Carolina Division of Motor Vehicles.

D. The Department of Motor Vehicle’s copy will not become a part of the offender’s
driving record, but will be used for statistical and analytical purposes.

V. PROCEDURE

A. Warning Ticket books will be available from the Patrol Commander. Each book will contain 50 warning tickets. Each ticket will consist of two (2) parts:

1. **Original Copy** - The Original Copy is white in color and serves as an official Departmental document. The Original Copy is to be obtained by the issuing officer.

2. **Defendant Copy** - The Defendant Copy is pink in color and serves as an official notice to the defendant of the infraction charged.

B. The distribution of warning tickets copies is as follows:

1. The issuing officer will maintain possession of the white Original Copy.

2. The defendant will maintain possession of the pink Defendant Copy.

3. Each warning ticket will be entered into the Department’s Records Management System by a Communications Officer.

4. The Records Clerk will maintain a file for warning tickets in the Communications Center.

5. The Records Clerk will make a photo copy of each warning ticket and distribute them to the appropriate issuing officer.

6. The Original Copy will be forwarded to the Drivers License Section of the North Carolina Department of Motor Vehicles.

C. When a warning ticket is issued for a moving violation, the violator may be advised:

1. There will be no indication on his/her driving record that a warning ticket was issued.

2. The warning ticket will be used for statistical purposes.

3. There will be no Departmental follow-up on the warning ticket, unless so indicated by the issuing officer.

D. When a warning ticket is issued for a license, registration, equipment or other non-moving violation, the violator must be advised:

1. If the warning ticket concerns a license or registration violation, the driver’s license or registration card must be shown to any law enforcement officer and the officer asked to complete the certification section of the violator’s copy.

2. If the warning ticket concerns an equipment violation, the deficiency which resulted in the issuance of the ticket must be corrected. Upon completion of the correction action, the violator’s copy of the ticket must be signed by a law enforcement officer, confirming that the deficiency was corrected.
3. The certified copy of the warning ticket must be mailed to the Department within five (5) days of the issuance date. The defendant will be granted fifteen (15) days for defective tires.

4. Failure to return the signed copy of the warning ticket could result in the issuance of a criminal summons or warrant for arrest at the discretion of the issuing officer.
MAYODAN POLICE DEPARTMENT
Radio Communications Policy and Procedures
Number 5.23

I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers of this agency with guidelines for using the Department's radio communication system.

II. POLICY

It is the policy of this law enforcement agency that Officers will use proper and professional communication techniques when utilizing the Department's radio communication system.

III. INTRODUCTION

A. The police radio communication system is a vital link in providing modern police service to the community. Coordination of field units is an absolute necessity in order to provide effective service and ensure officer safety.

B. In order to derive the greatest benefits and efficiency from the communications system, certain regulations and procedures have been established governing its use. Adherence to these guidelines will result in improved communications.

IV. PROCEDURE

A. Administrative Concerns

1. The Communications Center is a ‘Restricted Area’, and only authorized persons are allowed inside.

2. Any complaints regarding the use of the radio system will be handled through formal lines of authority. Valid complaints of radio misuse will be acknowledged accordingly and subsequent disciplinary action may be taken.

3. Any supervisor having an officer scheduled to work a special assignment will notify the Communications Center of the necessary details:

   a) If possible, notification should be made at least one hour prior to the beginning of the assignment.

   b) An officer working a special assignment, who is equipped with a radio, is responsible for checking Out-of-Service when it begins and In-Service when it ends.

   c) The Communication Center and the officer's supervisor will be advised whenever an officer must leave the city on an assignment.

B. Radio System Use
Mayodan Police Department Policy Manual

1. An officer who is In-Service will maintain constant radio contact with the Communications Center, whenever possible.
   a) If an activity necessitates breaking contact, the officer will check Out-of-Service.
   b) If the Communications Officer cannot make contact with a unit believed to be In-Service, subsequent attempts will be made at thirty second intervals. If contact is not made after three attempts, the Communications Officer will notify the supervisor, who will be responsible for coordinating efforts to locate the unit.
   c) The Communications Officer may use NEXTEL communication devices to communicate with officers who are outside radio reception. Once inside radio reception areas, the officer should radio the Communications Center.
   d) All communications regarding a Call for Service shall be given over the radio. Any supplemental information pertaining to the call may be given via cellular phone or NEXTEL services.

2. Every officer will be assigned a radio call number.

3. Ten Codes and Plain Text communications may be used to relay information. Some Ten Codes are different from agency to agency; therefore, Plain Text is suitable for police communications as long as the officer uses professional language.

C. General Transmissions

1. Personnel will use the radio system in a professional manner, conforming to the regulations of the Department and the Federal Communications Commission.

2. All users of the radio system will clearly acknowledge any transmission directed to them. No transmission will be considered received until an acknowledgement is made and heard. This will not apply to all-unit broadcasts, such as alerts.

3. When beginning a transmission or when called upon, officers should acknowledge the transmission with their call number.

4. The phonetic alphabet will be used when transmitting letters over the radio system.

5. When a unit is Out-of-Service and changes location, the Communications Officer will be so advised.

D. Vehicle Stop Protocol

1. No officer will stop a vehicle without first advising the Communications Center. **NOTE:** Whenever a plainclothes officer operating an unmarked vehicle attempts to stop a vehicle, he/she should request a marked unit to assist.

2. Prior to stopping a vehicle, the officer will state his/her call number and the appropriate Ten Code. After receiving the acknowledgement from the Communications Officer, the officer will advise the vehicle’s registration number,
make, model, color, number of occupants and location of the stop.

3. In cases where the officer is stopping a vehicle on suspicion of impaired driving, the appropriate Ten Code should be included in the call-in procedure.

4. In cases where the officer anticipates danger in stopping a vehicle, for whatever reason, the officer should delay initiating the stop until a backup unit arrives to assist.

5. No officer will leave the police vehicle until the stop is acknowledged by the Communications Officer.

6. After an officer has stopped a vehicle, he should, within a five (5) minute period, contact the Communication Officer and advise an updated status of the vehicle stop.

7. After the officer stops the vehicle and a maximum of two (2) minutes elapse without an officer response, the Communications Officer will attempt to make contact with the officer.
   a) If the officer does not respond to the Communications Officer, two (2) subsequent attempts to make contact will be made at thirty second intervals.
   b) If the officer does not respond by the third attempt, another unit will be dispatched to check on the officer’s welfare.

8. Officers should refrain from using the radio system when another officer is stopping a vehicle. Radio communication is critical in the first minutes of a traffic stop.

9. Officers should radio the Communications Center and advise they are ‘Signal 50’ as soon as practical. If the Communications Officer radios he officer to check ‘Signal 50’ the officer should reply in two manners:
   a) ‘10-4’: A 10-4 acknowledgement means that the officer is currently okay; however, he/she is requesting an additional unit respond to assist.
   b) ‘10-4, I am Signal 50’: A ‘10-4, I am Signal 50’ means the officer is okay and requires no further assistance from additional units.

E. Equipment Maintenance

Officers should not attempt to repair their radios. Any maintenance should be performed by a licensed or certified repair technician. If an officer discovers his/her radio is inoperable, they should notify their supervisor immediately.

Supervisors should forward the repair request to the Patrol Commander.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers of this agency with the guidelines for executing legal process papers.

II. POLICY

It is the policy of this law enforcement agency that officers will execute legal process papers in conformance with established North Carolina criminal law and procedures. Civil process service is not included in the duties of Mayodan Police Officers.

III. DEFINITIONS

**Criminal Process**: Those writs, summonses, mandates, warrants, or other process papers issued from a court of law compelling a person to answer for a felony or misdemeanor; The term also includes process papers issued to aid in crime detection or suppression, such as search warrants.

**Legal Process**: Any item of criminal process that is valid on its face and is to be served or executed by the Department.

**Foreign Process**: Any writ, warrant, order, summons, or other process originating in a foreign jurisdiction and intended to be served or executed in the Department’s jurisdiction.

**Foreign Jurisdiction**: Another municipality, county, or state in which the Department has no legal authority to serve or execute a process by use of Department personnel.

**Execution**: The performance of an act required by a writ, warrant, or other process requiring the seizure of a person or thing by a sworn officer

**Service**: The delivery of an item of legal process that is complete with the act of delivery and does not require physical or legal seizure of a person or thing.

IV. PROCEDURE

A. Process Access

The Department maintains a computerized records management system with a module designed for legal process tracking. Its function is to provide accurate information regarding the location and status of each warrant, summons, and subpoena assigned to Mayodan Police Department (Section III: Standard Operating Guidelines)
the Department. Warrants, summonses, and subpoenas are accessible to Department personnel on a 24-hour basis through the Communications Center.

B. Process Information

Department personnel pick up process papers from the Rockingham County Clerk of Court’s office, Rockingham County Magistrate’s Office or the Rockingham County Sheriff’s Office and deliver them to the Communications Officer. The Communications Center receives through the mail process papers from foreign jurisdictions requesting service or execution in the Department’s jurisdiction.

Process papers taken out by Department personnel will be delivered to the Communications Officer prior to execution. When a process paper is received by the Communications Officer, all information from the process is entered into the computerized records management system, including:

1. Date and time process was received by the Department.
2. Type of process.
5. Name of defendant.
6. Zone / Date assigned for service or execution.
7. Court docket number.
8. A unique number generated by the computerized records management system.

C. Service Records

A legal process tracking envelope is attached to each process paper received by the Communications Officer. This envelope serves as documentation of the following information:

1. Date and time service was executed or attempted.
2. Name of officer(s) executing or attempting service.
3. Name of person on whom legal process was served or executed.
4. Method of service or reason for non-service.
5. Address of service or attempted service.

Any process paper not served will be turned in to the Communication Center for processing in the computerized records management system and returned to the Rockingham County Clerk of Court’s office. The server must complete the ‘return’ portion of the legal process paper.
Personnel who serve or execute a criminal process paper must complete a Department Arrest Report Report. This report will contain:

1. The date and time service was executed.
2. The name of the officer(s) executing service.
3. The name of the person to whom process was served or on whom executed.
4. The method of service or reason for non-service.
5. The address of service or attempt.

Arrest Reports will be turned in to the Communications Center for processing in the computerized records management system. The server must complete the ‘return’ portion on the legal process paper.

D. Warrant Service in Another Jurisdiction

Officers serving warrants in other North Carolina jurisdictions will contact that jurisdiction’s Police Department or Sheriff’s Department and advise them of the pending action. If not delivered to the appropriate agency for service, the serving officer must request the presence of an officer from that jurisdiction.

Territorial jurisdiction of city officers to make arrests is governed by North Carolina General Statute 15A-402 (b)(c)(d).

E. Criminal Process

The execution of criminal process papers is governed by the following North Carolina General Statutes:

1. 15A, Sub-chapter III, Article 17
2. 15A, Sub-chapter IV, Article 20
3. 15A, Sub-chapter V, Article 23

F. Execution of Arrest Warrants

The procedures for search and seizure, with or without a warrant and arrest, with or without a warrant, are governed by the following North Carolina General Statutes:

1. 15A, Sub-chapter II, Articles 9, 10, 11, 14, and 15
2. 15A, Sub-chapter IV, Article 20

G. Financial Management

The Department does not receive or disburse funds in conjunction with the administration of legal process.

H. Property
The Department does not receive property through the delivery of civil process. Any property seized, found, or recovered for any reason will be accounted for and disposed of in accordance with North Carolina General Statute Chapter 15, Article 2 and departmental policy.
MAYODAN POLICE DEPARTMENT
Communicable Disease Protection
Policy and Procedures
Number 5.25
Effective Date: January 1, 2014           Reevaluation Date: January 2018

I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers of this agency with guidelines for protecting themselves from communicable diseases.

II. POLICY

It is the policy of this law enforcement agency that officers will be provided with up-to-date safety procedures and communicable disease information to assist in minimizing potential exposure.

III. DEFINITIONS

**Universal Precautions:** Safety measures taken to prevent occupational-risk exposure to blood and other body fluids using the assumption that all persons are potential carriers of a communicable disease.

**Bodily Fluids:** Any fluid from the body including blood, semen, vaginal discharge, tears, saliva, perspiration, vomit, urine, or feces.

**Communicable Diseases:** Infectious illnesses that are transmitted through contact with the body fluids of an infected individual.

**Exposure Incident:** An occurrence of direct or indirect contact with an individual’s body fluids while carrying out job duties.

**High-Risk Exposure:** An incident involving direct contact with an individual’s body fluids including, but not limited to:

- Touching an individual who is soiled with his/her own discharge.
- Having an open wound or a mucous membrane (eyes or mouth) exposed to the body fluids of another person.
- Penetration from a sharp object such as a hypodermic needle, broken glass, or knife.
- A bite wound that breaks the skin.

**Low-Risk Exposure:** An incident involving indirect contact with an individual’s body fluids, including, but not limited to touching towels, clothing,
bandages, etc.

IV. PROCEDURE

A. Prevention

As a health benefit to sworn employees and animal control personnel, the Town of Mayodan offers Hepatitis B vaccinations at no charge to the employee. Vaccinations are voluntary and are available upon request, consistent with immunization procedures and timetables. At-risk personnel are encouraged to receive these vaccinations.

B. Precautions

Employees will follow Universal Precautions to prevent occupational-risk exposure to communicable diseases:

1. Employees will wear disposable gloves when handling any person, clothing, or equipment contaminated with body fluids.

2. Whenever there is the potential for body fluids to be splashed onto an employee, the employee will wear a mask, protective eye-wear, gloves, and coveralls.

3. Whenever an employee performs Cardiopulmonary Resuscitation or mouth-to-mouth resuscitation, the employee will use a plastic mouthpiece (CPR micro-shield) or other authorized barrier/resuscitation device.

4. Employees will consider all sharp instruments such as knives, scalpels, and needles as contaminated items and will handle these instruments with extraordinary care.
   a) If possible, employees will wear leather gloves when searching for or handling sharp instruments.
   b) Employees will not place their hands in areas where sharp instruments may be hidden. Employees should conduct an initial visual search of the area, using a flashlight when necessary. Officers may ask a suspect to remove such objects from his/her person.
   c) When handling needles, employees will not recap, bend, break, remove from a disposable syringe, or otherwise manipulate by hand.
   d) When collecting for evidentiary or disposal purposes, employees will place needles in a puncture-resistant container marked ‘BIOHAZARD.’

5. Employees will not smoke, eat, drink, or apply makeup near body fluid spills.

6. Any evidence contaminated with body fluids will be air dried, double-bagged in paper bags, and clearly marked with ‘BIOHAZARD’ labels by employees in order to identify potential or known communicable disease contamination.

7. Employees will cover all open cuts and abrasions with waterproof bandages.
before reporting to duty.

C. Transport and Custody Issues

1. When appropriate protective equipment is available, no officer will refuse to arrest or otherwise physically handle any person.

2. Officers will not put their fingers into or near any person’s mouth.

3. Individuals with body fluids on their person will be transported in separate vehicles from other individuals and may be required to wear suitable protective covering if they are bleeding or otherwise emitting body fluids.

4. Officers will notify relevant support personnel, in person, during the transfer of custody when a suspect has body fluids present on his/her person, or when the suspect has stated that he/she has a communicable disease. This notification specifically includes personnel at the Rockingham County Public Safety Center and other detention facilities.

5. In cases where knowledge exists that a prisoner may have a communicable disease and that individual is exhibiting severe and apparent infection with the disease such as open sores or vomiting blood, the transporting officer may be required by the Rockingham County Public Safety Center personnel to first transport the prisoner to a local medical facility for evaluation prior to incarceration.

6. Officers will document on the appropriate arrest or incident form when a suspect taken into custody has body fluids on his/her person, or has stated that he/she has a communicable disease.

D. Post-Exposure Response

1. Personal Hygiene and Clothing
   a) Whenever any unprotected skin surface comes into contact with body fluids, The employee will immediately wash the area thoroughly with hot running water, lathering with soap for 15 seconds, rinsing, and repeating. An alcohol-based hand sanitizer may be used until soap and water are available. The employee should remove gloves by turning them inside out, beginning at the wrist and peeling them off. When removing the second glove, the employee should not touch the soiled surfaces with his/her bare hands, but hook the inside of the glove at the wrist and peel the glove off.

   b) Employees should remove clothing that has been contaminated with body fluids as soon as practical. Contaminated clothing should be carefully removed, double-bagged, clearly marked ‘BIOHAZARD’ and turned over to the appropriate supervisor for cleaning or disposal. Contaminated clothing should not be taken home to be laundered.

2. Post-Exposure Prophylactic
In accordance with Town policy, any Department employee who has experienced a high-risk exposure incident should immediately cease the performance of current duties, notify his or her supervisor, and contact the Town of Mayodan Workers’ Compensation third-party administrator for instructions on how to obtain post-exposure prophylaxis medication and any additional necessary medical attention.

3. Vehicle and Equipment Cleaning

a) Vehicles

Whenever body fluids are spilled or an individual with body fluids on his/her person is transported in a departmental vehicle, officers will:

1) Notify a supervisor and spray the vehicle with a fungicidal or mycobactericidal disinfectant.

2) Allow the vehicle to air dry.

3) Take the vehicle to the Town’s contracted vendor for vehicle cleaning and disinfection; Notify the vendor of the possible contamination and disinfection measures taken; The vendor will clean the interior in the normally prescribed manner.

4) Under no circumstances allow anyone to be transported in the affected vehicle until it has been appropriately cleaned and disinfected.

b) Non-Disposable Equipment

When body fluids are spilled on non-disposable equipment and surfaces, officers will:

1) Wipe up any excess of body fluids with an approved disposable absorbent material.

2) Clean the contaminated surface and/or equipment with a prepared solution of bleach/water or a fungicidal/mycobactericidal disinfectant.

c) Disposable Equipment

All disposable equipment and cleaning materials contaminated with body fluids will be double bagged and clearly marked as a "BIOHAZARD."

E. Supplies

Supervisors are responsible for the continuous maintenance and storage of an adequate quantity of communicable disease control supplies in an easily-accessible location for their particular unit. Officers must have immediate access to disposable gloves while on either motor or foot patrol. All departmental vehicles will be continuously stocked with the following communicable disease control supplies:
1. Disposable gloves.
2. Cardiopulmonary resuscitation micro-shields.
3. Hand sanitizer.
4. Waterproof bandages.
5. Face shields.
7. Disposable coveralls.
8. Leather gloves.

All supervisor’s vehicles will be continuously stocked with the following additional items:

1. Safety goggles.
2. Disposable antibacterial towelettes.
3. Evidence tubes and foam bricks.
4. Disposal bags.
5. ‘BIOHAZARD’ labels.
6. Fungicidal/mycobactericidal disinfectant.

Officers using supplies stored in police vehicles are responsible for their immediate replacement or notification of their supervisor for replacement, as appropriate.

F. Documentation and Reports

After the appropriate medical attention has been provided following a high-risk exposure incident, the officer and supervisor will complete all necessary medical and duty injury reports. A report of the incident will be promptly forwarded to the Chief of Police.

The Department will maintain written records of all incidents involving employees who have potentially been exposed to a communicable disease while acting in the line of duty. These records will be stored in a secure area with limited access and will be maintained in conformance with applicable privacy laws and the Americans with Disabilities Act.

G. Post-Incident Follow Up and Confidentiality

The Department will ensure continued testing of exposed employees, as appropriate, for evidence of infection and will provide psychological services as needed through the Town’s Employee Assistance Program.

Unless disclosure to an appropriate departmental or Town official is authorized by the
employee or by state law, the employee’s test results will remain confidential. Employees who test positive for a communicable disease will be treated fairly, courteously, and with dignity, in accordance with Town policy.

Any person responsible for potentially exposing an employee to a communicable disease will be encouraged to undergo testing to determine if the person has a communicable disease. If the person refuses testing, the Town may seek to force testing by court order. The person will be provided a copy of the test results and will be guaranteed its confidentiality. Criminal charges may be sought against any person who intentionally acts to expose a Department employee to a communicable disease.

H. Training

The Department will monitor the most current information concerning communicable diseases and will make this information available to all personnel on a regular basis. All employees at risk of exposure will receive annual in-service training on blood borne diseases.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers of this agency with guidelines used to conduct performance evaluations.

II. POLICY

It is the policy of this law enforcement agency that officers will be periodically evaluated for performance deficiencies.

III. INTRODUCTION

The evaluation of a member's daily work activities under the philosophy of Community Oriented Policing is an important means for management to ensure that continued high standards of performance is achieved by all members.

The Department is committed to providing feedback to all employees on their level of performance so the employee can work to improve deficient performance, know that the department recognizes good or outstanding performance, and know that documentation of actual performance will occur.

To achieve this end and to comply with Department guidelines, it shall be the policy of the Department to adopt a Performance Evaluation Program as follows:

➢ Performance Evaluations will not be used for disciplinary purposes, but rather as a means to best utilize human resources available to ensure that problems can be identified and dealt with promptly and fairly; and

➢ To assure optimum job satisfaction on the part of each employee. In simple terms, it provides a way to let employees know how they are doing and what will be expected of them in the future.

IV. PROCEDURES

A. Evaluation

1. Annually, the performance of each employee will be evaluated. The initial evaluation will be conducted by the employee's immediate supervisor(s) and will be based on the job descriptions/duties of that employee for that prior rating period. The Performance Evaluation Form will be used to document an employee's performance, both objectively and subjectively. Communications personnel shall use the evaluation form designed to measure their job functions, while Patrol Division shall use the evaluation form developed to measure their job functions. Administrative and probationary personnel shall use their respective
forms.

2. Entry-level probationary employees, after successful completion of basic law enforcement training, will work under the supervision of a Field Training Officer, assigned by the Chief of Police.

He/She will undergo field training as specified in Article 30 of the collective bargaining agreement. The progress of this employee shall be monitored by the Field Training Officer, and shall be documented as such utilizing the performance appraisal form designed for probationary employees. Said form shall be completed daily during the field-training period by the FTO. Communications personnel shall be rated in the same manner during their initial training period, using the evaluation form designed for probationary communications personnel.

3. Each employee being evaluated shall be asked by his/her supervisor(s) what his career interests are. It is the responsibility of all supervisory personnel to provide career counseling to all of their immediate subordinates on an on-going basis.

Supervisors should be familiar with career opportunities, specialized assignments, and training opportunities available through the department, and periodically coach, guide, and/or counsel their subordinates about career development issues. This responsibility can also be referred to the Chief of Police.

4. The completed performance evaluation form will be filled out and signed by all parties at the time of the evaluation, and then forwarded to the Captain for review.

The Captain shall review the evaluations with all employees if needed. The Captain shall review, collate data, sign the evaluations, and forward one summarized evaluation per employee to the Chief of Police. The Chief of Police will review the forms and take any additional actions that are deemed necessary. Only one averaged evaluation form per employee shall be filed. Employees may request and receive a copy of the evaluation.

5. The summarized evaluations shall be kept in accordance with the Departmental records retention procedures.

B. Scope of Evaluation

Prior to the beginning of each evaluation period, each employee will be made aware of the scope of the evaluation. The scope of this evaluation will be defined by the employee's job description as described in the organizational section of the Employee Policy Manual, and in conjunction with any assignment during the rating period.

C. Areas of Evaluation

The specific areas of evaluation will fall under the following categories:

1. Job Knowledge.
2. Work Habits.
3. Personal Traits.
5. Work Environment.

D. Notice of Unsatisfactory Performance

Any time during the evaluation period, if any employee’s performance is felt to be unsatisfactory in any area, his/her supervisor must notify the employee in writing, advising the employee to correct his performance. Supervisors are expected to attempt to correct deficiencies of their subordinates on an on-going basis. In all cases such notification of unsatisfactory performance shall be given to the employee at least 90 days prior to the end of the rating period, which would allow the employee an opportunity to correct his deficiencies. This section shall not apply to subordinates rating supervisors.

E. Rater/Evaluator Training

Prior to conducting an evaluation, all personnel will receive instruction in the performance evaluation process. This instruction will include: methods of evaluation, rater responsibilities, counseling techniques, and standard procedures for the completion of the Performance Evaluation Form.

F. Responsibility of Rater/Evaluator

It will be the responsibility of the Rater/Evaluator to conduct each evaluation in an impartial and objective manner. The evaluation should be as complete as possible. Every attempt should be made to ensure that an employee receives recognition for outstanding work performance, as well as areas which may need improvement.

G. Ratings

The rater/evaluator shall read the criteria and select one of the ratings listed on the evaluation form, which most accurately represents the employee’s performance. Probationary employees in both divisions are rated numerically as described further on the probationary employee rating form, while all other employees are rated as follows:

1. Above Standard Performance

Performance that is consistently of exceptional quality. Assigned tasks are completed with superior results in all areas. Contributions toward the goals of the department are unique, beneficial, and noticeably outstanding. Employee is a top achiever. Supervisor should substantiate this rating in writing.

2. Standard Performance

Performance is consistently at or above expectation. Achievement on major assigned tasks and overall contributions are at or above expectation. Performance reflecting a level of results which meets normal or average expectations. Overall
contribution is of high or good quality.

3. Below Standard Performance

Performance is unacceptable. The employee has had ample opportunity to be knowledgeable about assigned tasks, but has not met the minimum expectations. If an employee receives an overall rating at this level, his supervisor will substantiate this rating in writing.

4. Not Applicable

Performance criterion that is not observed by a supervisor, not applicable or not verified through other means.

H. Feedback/Counseling Session

During the Feedback/Counseling Session, the evaluated employee will be given the opportunity to review, read, and sign his/her Performance Evaluation Form indicating that it has been read. The evaluated employee will be advised by his rater of the level of performance and expectations that will be expected of the employee during the next rating period, and also what criteria will be used to evaluate the employee. In addition, the employee may choose to comment in writing on the form or on an attachment concerning the entire evaluation or any specific area. Career counseling discussions shall take place at a separate time between the Chief of Police and the employee.

I. Appeal Process

The employee will be afforded the opportunity to dispute the evaluation by requesting in writing that the evaluation be reviewed by the Captain. If the Captain is the evaluator, the Chief of Police shall review said appeal. The employee will be given an opportunity to discuss their evaluation. The Captain or Chief of Police will then meet with the evaluator to discuss the dispute. The Captain or Chief of Police may uphold the final rating, may overturn the rating, or may recommend a new rating. If this appeal is unsatisfactory, the employee may grieve the evaluation as outlined in the Collective Bargaining Agreement.

J. Utilization of Performance Evaluation Forms

The Employee Performance Evaluation Form will be utilized to identify areas which may require retraining, assist in the selection of employees for advanced training, assist in determining personal career goals and objectives, and as an aid in selecting employees for special assignments. The form will not be used for any disciplinary purpose.

K. Review of Evaluation System and Forms

Once each year at a Department meeting scheduled by the Chief of Police, a review will be conducted on how well the system functions and services the department. A memo indicating that the meeting was held and a concise statement of the results of the meeting will be issued.
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L. Rater Evaluation

During each evaluation period, every supervisor will be evaluated on the quality of the ratings given by the employee so rated. These rater evaluations shall key in on the rater's fairness, impartiality, and ability to carry out the rater's role in the performance evaluation system. Comments and critique for each rater evaluations shall be noted in the Administrative Review section of the Evaluation form, and shall be submitted to the Captain.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers of this agency with guidelines used to regulate the use of golf carts in the Town of Mayodan.

II. POLICY

This Ordinance is adopted in the interest of public safety. Golf carts are not designed or manufactured to be used on public streets and roads and the Town of Mayodan in no way advocates or endorses their operation on streets. The Town, by regulating such operation, is merely addressing safety issues. This Ordinance is not to be relied upon as a determination that operation on streets is safe or advisable even if done in accordance with this Ordinance.

All persons operating golf carts must be observant of, and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. All persons who operate or ride carts on streets inside the Town of Mayodan do so at their own risk and peril. The Town of Mayodan has no liability under any theory of liability, for permitting carts to be operated on streets under the special legislation granted by the State Legislature, but governed by this Ordinance.

III. INTRODUCTION

WHEREAS, pursuant to session law enacted by the North Carolina General Assembly, the Town of Mayodan is authorized, by ordinance, to require the registration of, and regulate the operation of electric powered golf carts upon the public streets within the Town; and

WHEREAS, the Town Council of the Town of Mayodan finds that it is in the best interest of the citizens of the Town that such regulations should be put in place to protect the health and safety of golf cart occupants, other drivers, and pedestrians; and

WHEREAS, the enabling legislation required that the Town have a public hearing on the issue of enactment of this Ordinance and such public hearing has been held;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Mayodan.

IV. PROCEDURE

A. Operation on Public Streets Rules and Regulations

It is unlawful to operate a golf cart on a public street or road within the Town unless a permit has been issued by the Mayodan Police Department as set forth below and the following rules and regulations are followed:
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1. Golf carts operated on the public streets in the Town of Mayodan shall be only electric powered carts; it is unlawful to operate a cart at a speed in excess of 15 MPH regardless of the posted street speed limit.

2. The operator and owner of a cart operated on the public streets in the Town of Mayodan take full responsibility for all liabilities associated with operating the cart.

3. All golf cart operators must possess a valid driver’s license.

4. Carts may only be operated on the public streets in the Town of Mayodan during daylight hours.

5. Carts may be driven on the public streets in the Town of Mayodan except for the following:
   a) Ayersville Road in its entirety.
   b) North Carolina Hwy 135 in its entirety.
   c) Turner Road in its entirety.
   d) 2nd Avenue (Business Hwy 220) South from the intersection of Adams Street to the Mayodan Town limits, and North from the intersection of Adams Street to the Mayodan Town limits; there is authorized an East/West cross-over of 2nd Avenue at the intersection of 2nd Avenue and Adams Street.
   e) Main Street east from the intersection of 4th Avenue to its intersection with 2nd Avenue.
   f) Washington Street, except for the intersection of 5th Avenue and Washington Street which has authorized a North/South cross-over of Washington Street, and the intersection of 6th Avenue and Washington Street which has authorized a North/South cross-over of Washington Street.
   g) Golf carts may not be operated on public streets in satellite annexed areas of Mayodan.

6. Required equipment: all carts operated on the public streets in the Town of Mayodan must have the following functioning equipment or accessories:
   a) Properly functioning headlight(s), consisting of a clear or white bulb/cover(s). Headlights must remain on during all times of cart operation.
   b) Properly functioning brake lights (rear each side) consisting of a red covered bulb.
   c) Rear view mirrors.
7. Any person who operates a cart on the streets in the Town of Mayodan must adhere to all applicable State laws that apply to normal vehicle operation, including stop signs, stop lights, one way streets, etc. Golf carts will adhere to all traffic flow patterns, and will operate on the right side of the roadway. Cart drivers must yield the right-of-way to overtaking vehicles, at all times. Golf carts shall not be operated on private property without the permission and consent of the property owner. All alcohol laws will apply.

8. Occupancy/Occupants
   a) The maximum occupancy of a cart traveling on streets will be one person per seat or two people per bench seat.
   b) Children must be properly seated while cart is in motion and may not be transported in a negligent manner.
   c) No passenger is permitted to stand while golf cart is in operation.
   d) No individuals or objects may be pulled by golf carts.

9. Carts are not allowed to be driven on any sidewalks.

10. Carts are only allowed to park in handicapped parking spaces if the driver or at least one passenger has a valid handicap parking sticker.

11. All carts operated on the streets must have a valid permit sticker issued by the Mayodan Police Department. A registration fee of $35.00 per cart per year will be charged by the Mayodan Police Department for the permit sticker. The Mayodan Police Department may refuse to issue and/or revoke any permit sticker from any cart at any time for any reason that the Department determines appropriate to ensure the safety and well being of the citizens of the Town of Mayodan. Permits will be issued annually and are valid from January 1st to December 31st in the year issued.

12. Golf cart owners must complete the attached registration form and receive a permit to operate a golf cart in the Town of Mayodan. The completed forms will be maintained by the Mayodan Police Department. The Mayodan Police Department will issue a permit sticker that must be attached to driver's side of the cart. The Mayodan Police Department shall conduct an inspection of all carts when application for permit and renewal of permit is requested.

B. Mandatory Liability Insurance Coverage

Any person who operates a golf cart is responsible for procuring liability insurance with a minimum coverage of $50,000 and must provide proof of such insurance to the Mayodan Police Department annually.

C. Penalties and Enforcement

Any act constituting a violation of this Ordinance or failure to comply with any of its requirements shall subject the offenders to civil penalty of $100.00 for the first offense, $200.00 for the second offense, and revocation of permit for a period of five years for
the third offense, plus the court costs and attorney fees incurred by the Town. If the offenders fail to pay the penalty within ten (10) days of receiving final written notice of violation, the penalty may be recovered by the Town in a civil action in the nature of debt. Repeat offenders may have the privileges granted by this Ordinance revoked by the Mayodan Police Department.

D. Decisions of Police Department Final

The Mayodan Police Department's interpretation of the above rules and regulations are conclusive.

E. Adopted this 8th day of December, 2008.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers of this agency with guidelines used to enforce the animal control ordinance.

II. POLICY

It is the policy of this law enforcement agency that officers will be responsible for providing assistance with animal control and for the enforcement of animal regulations in a humane manner and in accordance with state law and Town ordinances. Referrals to other agencies or jurisdictions will be made as appropriate.

III. DEFINITIONS

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- **Animal Control Shelter**: A place provided and operated by or under contract for the Town of Mayodan, whether or not jointly with another governmental unit or with a private individual or concern, for the restraint, care, placement and/or disposal of animals.

- **At Large**: Any dog or cat shall be deemed to be at large when it is off the property of its owner and not under restraint.

- **Dog**: A dog of either sex if over the age of four (4) months.

- **Cat**: Any male or female cat.

- **Exposed to Rabies**: Introduction of the saliva or nervous tissue of a proven rabid animal or an animal reasonably suspected of having rabies into a person or animal through a bite, through an open cut on the skin or through the mucous membranes.

- **Owner**: Any person owning, keeping or harboring a dog or cat. Dog or cat shall be deemed to be harbored if it is fed or sheltered for three (3) consecutive days or more.

- **Property Owner**: The owner of a parcel of real property.

- **Keeper**: Any person, other than the owner, harboring or having in his/her possession any dog or cat. One who, either with or without the owner's permission, undertakes to manage, control, or care for a dog or cat as an owner customarily does.
**Fencing:** Any means of containment including, but not limited to, the use of wood or chain link material sufficient to contain a pet.

**Dangerous Dogs:** Any dog that: without provocation has killed or inflicted injury on a person; or is determined by the person or board designated by the Town authority responsible for animal control to be potentially dangerous because the dog has engaged in one or more of the behaviors listed for a “potentially dangerous” dog; or any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

**Potentially Dangerous Dog:** Any dog that the person or board designated by the county or municipal authority responsible for animal control determines to have inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization; or killed or inflicted severe injury upon a domestic animal when not on the owner’s real property; or approached a person when such person was not on the owners property in a vicious or terrorizing manner in an apparent attitude of attack or belligerence; or exhibited any other similar specific behavior that the municipal official responsible for animal control may deem as potentially dangerous.

**Severe Injury:** Any physical injury that results in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization.

**Under Restraint:** Secured by a leash or lead; fenced in or otherwise confined on the property of its owner; or under the immediate and effective control of a responsible person.

**Under Restraint for Dangerous and/or Potentially Dangerous Dogs:** Secured by a leash or lead; fenced in or otherwise confined on the property of its owner; under the immediate and effective control of a responsible person.

Chaining or tethering a dog declared dangerous or potentially dangerous to an inanimate object is specifically excluded as a sole means of restraint. Any dangerous or potentially dangerous dog outside the residential structure shall be confined in a chain link fence. The chain link fence shall have a minimum wire gauge of 9 and shall include four (4) sides, an attached top consisting of chain link fencing and a bottom floor. The sides shall be at least six (6) feet tall (as measured from the ground). The bottom shall consist of either a concrete pad extending at least one foot beyond the enclosed area or in the alternative, the side fencing shall be buried one foot deep into hard packed soil (the sides must still be at least six (6) feet tall as measured from ground level). The fence structure shall be at least 150 square feet in size and be secure enough to contain the dog at all times. There shall be no more than two animals confined per enclosure. Dangerous or potentially dangerous dogs shall be leashed and muzzled when off of or away from the owner’s property or residence.
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**Stray Dog or Cat:** Any dog or cat within the Town of Mayodan wandering at large or lost without an apparent owner; or, any dog or cat within the Town of Mayodan whose owner has failed to comply with the requirements of Section 11-32. I. hereof.

**IV. PROCEDURE**

A. **Section 11-32.A Ordinance**

No horse, goat, cattle, or other animals shall be permitted to run at large within the Town Limits. All animals caught running at large shall be impounded by the police and unless claimed within four days shall be disposed of as the Town shall deem best.

B. **Section 11-32.B Enforcement**

The provisions of this article shall be enforced by the Mayodan Police Department.

C. **Section 11-32.C Restraint**

All dogs and cats shall be kept under restraint at all times.

D. **Section 11-32. D Impoundment; Notice; Redemption; Disposal of Unredeemed Dogs or Cats; Fees**

1. Dogs or cats found not under restraint or abandoned may be seized and impounded by any member of the Mayodan Police Department. Impoundment may be in an animal shelter designated by the Town Council.

2. In the event the owner of the dog or cat can be ascertained, then in such event, the town shall send notice to said owner regarding the impoundment of said animal. Such notice shall include a notice of violation of this ordinance.

3. Any owner redeeming a dog or cat from impoundment shall, before release, pay an impoundment fee based on the schedule on file in the town clerk’s office, plus a boarding charge equal to the cost of caring for the dog or cat for each day for said impoundment.

4. In the event a dog or cat is not redeemed by the owner within five (5) business days after impoundment, the dog or cat may be disposed of in one of the following manners:

   a) Euthanasia, using a method approved by the Humane Society of the United States.

   b) Released for adoption by a new owner who shows evidence of ability and intention to provide the dog or cat with an appropriate home and humane care; provided that no unclaimed dog or cat may be released for adoption without being sterilized or without a written agreement from the adopter guaranteeing that such animal will be sterilized within fourteen (14) days of adoption.

E. **Section 11-32. E Proper Care**
Owners and keepers of dogs or cats shall provide humane shelter from heat, cold, rain, wind, and snow, and shall provide food and water adequate to keep the animal in good health and comfort. Dog houses and kennels must be soundly constructed, dry, and provided in cold weather with clean bedding. All dogs and cats must have proper immunization records with said records being kept with the owner of the dog or cat and available for inspection by the Town of Mayodan Police Department upon request.

F. Section 11-32.F Nuisances

It shall be unlawful for an owner or keeper to permit a dog(s) or cat(s) to create a nuisance, or maintain a nuisance created by a dog(s) or cat(s). A nuisance under this section shall be defined as follows: any dog or cat or group of dogs shall be considered a nuisance if it:

1. Damages, soils or defiles private or public property;
2. Interferes with, molests, or attacks persons or other animals;
3. Causes unsanitary, dangerous or offensive conditions including fouling of the air by odors;
4. Is repeatedly at large;
5. Chases, snaps at, harasses, impedes pedestrians, joggers, bicyclist or vehicles;
6. By virtue of number or type is offensive to the public health, safety or welfare;
7. Is diseased or dangerous to the public health;
8. By prolonged habitual barking, howling, or whining causing interference with the reasonable use and enjoyment to neighboring residents.

Any person complaining of a nuisance under this section shall file a written and signed complaint with the Mayodan Police Department. It shall be the duty of the Police Department and/or a designated animal control officer to investigate the complaint. If the Police Department finds reasonable grounds for the complaint, the Mayodan Police Department shall notify the owner of the animal and the property owner in writing to abate such nuisance within twenty four (24) hours. Failure to abate within twenty four (24) hours after notification, shall subject the owner of the animal and the property owner to a civil fine of $500.00 for each occurrence and/or criminal punishment under the laws of the State of North Carolina for an ordinance violation. The criminal punishment shall include a criminal penalty of $500.00. Each day's violation after the initial notification shall constitute a separate offense.

G. Section 11-32.G Confinement of Females in Heat and Nursing Females

The owner shall confine any female dog or cat in heat within a building, in such manner that the dog or cat will not be accessible to other dogs or cats except for planned breeding, and will not attract male dogs or cats. Any female dog or cat nursing or caring for a puppy or puppies, kitten or kittens shall be physically confined in an enclosed structure.
H. Section 11-32. H Exemptions

The provisions of this article do not apply to the following:

1. Any dog used by law enforcement to carry out the officer’s official duties;

2. A dog where the injury inflicted by the dog was sustained by a person who, at the
time of the injury, was committing a willful trespass or other tort, was
tormenting, abusing, or assaulting the dog, had tormented, abused, or assaulted
the dog, or was committing or attempting to commit a crime;

3. Hospitals, clinics and other facilities operated by licensed veterinarians for care
and treatment of animals.

I. Section 11-32.I Compliance with Rabies Laws and License Tax Ordinance

The failure of an owner to comply with any law of the State of North Carolina relating
to the control of rabies shall constitute a violation of this Ordinance. Specifically, (but
not to be construed as a limitation hereof), it shall be unlawful for an owner to fail to
have each animal owned by him vaccinated against rabies as required by said State Law
and to procure the tag issued upon such vaccination. (Such tag shall hereinafter be
referred to as “the rabies tag.”)

It shall be unlawful for any owner to fail to provide each animal owned by him or her,
which is required by State Law to be vaccinated against rabies, with a collar or harness
to which a currently valid rabies tag is securely attached.

It shall be unlawful for any person to place or cause or allow to be placed on any animal
a rabies tag other than each tag duly issued with respect to such animal.

J. Section 11-32.J Dangerous Dogs

The Town Council designates any Mayodan Police Officer to be responsible to notify
the owner and property owner when a dog is considered a “dangerous dog” as defined
in this Article. The process for any appeal shall be the same as set forth for appeals of a
determination of potentially dangerous dogs.

K. Section 11-32.K Potentially Dangerous Dogs

The Town Council designates any Mayodan Police Officer to be responsible for
determining when a dog is “potentially dangerous”. The Town Manager shall hear any
appeals from such determination. In determining a dog to be potentially dangerous the
Officer shall follow those procedures set forth in Section 67-4.1 of the North Carolina
General Statutes. The process for such determination is set forth in Section 67-4.1(C).

The owner or property owner shall enter a notice of appeal, in writing, within three (3)
business days of said determination. The written appeal must be received by the Town
Manager, or the Manager’s office, within the appeal period. A hearing shall be set to
hear the appeal within five (5) business days.

The decision of the Town Manager may be appealed to the Town Council. The process
for entering a notice of appeal from the Town Manager’s decision shall be the same as
stated above. The appeal shall be filed with the Town Manager, or the Manager's office.

Any appeal from a determination by the Town Manager that a dog is “potentially dangerous” shall be set for hearing at the next regularly scheduled Town Council Meeting. In the event a Town Council Meeting is scheduled less than ten (10) days from the date of the initial determination, excluding the date of determination, then in such event, the appeal shall be held at the following meeting of the Town Council.

The Mayodan Police Department shall provide notice of dangerous or potentially dangerous dog determination to the owner and property owner by first class certified letter. Once a dog is designated dangerous or potentially dangerous the owner shall not have said animal off of or away from the owner's property or residence unless leashed and muzzled. The owner and/or the property owner shall comply with all other provisions of this Ordinance within thirty (30) days of such designation.

L. Section 11-32.L Violation

1. It shall be unlawful for an owner or keeper to:
   a) Fail to keep a dangerous or potentially dangerous dog under restraint as defined in Section 11.32.A (n); or
   b) Permit a dangerous or potentially dangerous dog to go beyond the owner's real property unless the dog is leashed and muzzled or is otherwise securely restrained and muzzled.

2. It shall be unlawful for a property owner to permit an owner or keeper of a dangerous or potentially dangerous dog, as defined in this Ordinance, to keep or harbor such animal in violation of any portion of this Ordinance.

M. Section 11-32.M Notification

If the owner of a dangerous or potentially dangerous dog transfers ownership or possession of the dog to another person, the owner shall provide written notice to the Town of Mayodan Police Department stating the name, address and all contact information of the new owner or possessor of the dog; and the person taking ownership or possession of the dog shall be notified in writing of the Town's determination that such animal is a dangerous or potentially dangerous dog.

N. Section 11-32.N Penalties for Dangerous and Potentially Dangerous Dogs

A violation of any portion of Section 11-32L, unless otherwise provided herein, shall result in a civil penalty against the offender in an amount of $500.00 and/or shall result in criminal punishment of a class three misdemeanor to include a fine of $500.00. Each day of such violation is a separate offense.

A violation of subsection B of Section 11-32L shall result in a civil penalty against the property owner in an amount of $500.00. Each day of such violation is a separate offense.

A violation of any other section of this ordinance shall subject the owner and/or
property owner to that punishment as defined in Division II, Code of General
Ordinances Chapter 1, Section 1.5 Criminal penalty; not exclusive remedy; continuing
violations.

O. Section 11-32.O Penalty for Attacks by Dangerous Dogs

The penalty for attacks by dangerous dogs is set forth in 67- 4.3 of the North Carolina
General Statutes.

P. Section 11-32.P Strict Liability

The owner of a dangerous dog and property owner shall be strictly liable in civil
damages for any injuries or property damage the dog inflicts upon a person, property,
or other animal.

Q. Section 11-32.Q Severability

If any part of this Ordinance shall be held to be void, such part shall be deemed
severable, and the invalidating thereof shall not affect the remaining part.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers of this agency with guidelines for using Mobile Data Computers (MDC) or Mobile Data Terminals (MDT).

II. POLICY

It is the policy of this law enforcement agency that officers will perform specific tasks and assignments utilizing a mobile data computer. Officers shall properly utilize the computers consistent with training and procedures provided by the Department.

III. BACKGROUND

Mobile Data Computers permit officers in the field to access the world wide web and the North Carolina Division of Criminal Information (DCI). This access saves time in relaying information, improves police response time and ensures officers are provided with detailed, accurate information. On large-scale incidents, officers can use the Mobile Data Computer to communicate with one another with vehicle-to-vehicle transmissions and with personnel from other law enforcement agencies without excessive radio usage.

III. PROCEDURE

A. Use of Equipment and Software

All traffic transmitted using the Mobile Data Computer must be business-related and comply with the same quality standards as radio traffic. Any message containing slang or language that could be construed as a slur or sexual harassment against any person or group will not be tolerated.

The only personnel authorized to operate a Mobile Data Computer are those specifically trained in its proper operation. Only those personnel who are certified for mobile DCI network operations will attempt to sign onto the DCI network on a Mobile Data Computer.

In the interest of officer and citizen safety, officers will not attempt to read the Mobile Data Computer screen or interact with the keyboard while the vehicle is in motion.

No one will attempt to install, delete, or modify any software or hardware associated with the Mobile Data Computer or the vehicle console without authorization from the System Administrator.

B. Confidentiality

Any information sent or received on a Mobile Data Computer is confidential and will
only be disseminated as directed by State Bureau of Investigation (SBI) Criminal Information and Identification Section (CIIS) regulations.

C. Management

All Mobile Data Computers will be the administrative responsibility of the System Administrator designated by the Chief of Police. Staff members designated by the System Administrator will provide Mobile Data Computer training.

Supervisors will inspect each Mobile Data Computer and console during vehicle inspections for signs of damage or disrepair.

Designated staff may enter, review, and monitor information stored on Mobile Data Computers at any time without advance notice. Periodic inspection of Mobile Data Computer traffic logs will take place at the direction of the Chief of Police.

D. Security and Care of Equipment

Officers will exercise reasonable care in the use of Mobile Data Computers to minimize excessive wear or damage. At the beginning of each shift, the officer will install the assigned Mobile Data Computer, unless relieving an on-duty car partner. The officer will inspect the Mobile Data Computer for any signs of damage or disrepair and immediately report any findings to his/her supervisor.

At the conclusion of each shift, unless being relieved, the officer will properly shut down the Mobile Data Computer, remove it from the cradle, and store it in the department.

Officers will keep the Mobile Data Computer screen and keyboard clean using the supplies provided. Food and liquids must be kept away from the Mobile Data Computer at all times. In the event of an accidental spillage, the officer will:

1. Log off of all active sessions and shut down the Mobile Data Computer as quickly as possible.
2. Clean the affected area as trained.
3. Make arrangements, through his/her supervisor, for the administrative staff to inspect the unit.

An officer’s vehicle will not be jump started, or used to jump start another vehicle, with the Mobile Data Computer installed.

When away from the vehicle, officers must ensure that the vehicle is locked to prevent unauthorized use of the Mobile Data Computer.

E. Restrictions

Internet access is provided for official business use only. Officers are prohibited from accessing sites or engaging in e-mail pertaining to sexual content, hate groups, chat rooms, merchandising, etc. unless instructed to do so in conjunction with a special assignment.
F. Access to the DCI Network

Access to the DCI network is provided for official use only. Officers will use the Mobile Data Computer as the primary source for DCI network inquiries. Radio inquiries are reserved for urgent requests while the vehicle is in motion to ensure officer safety. DCI network inquiries of a personal nature are prohibited.

G. Training

All employees are required to successfully complete NCIC/DCI certification training prior to utilizing the Mobile Data Computer. Once certified, it is the responsibility of the employee to renew their NCIC/DCI certification before it expires.
I. PURPOSE

The purpose of this policy is to provide Law Enforcement Officers of this agency with guidelines for using Body Worn Cameras (BWC) to digitally record their interactions with the citizens of the Town of Mayodan.

II. POLICY

It is the policy of this law enforcement agency that officers will utilize Body Worn Cameras (BWC) to record any active or ongoing police activity. By using BWCs, officers will ensure that their actions and the actions of encountered citizens will be properly documented and stored for evidentiary purposes. This policy does not govern the use of surreptitious recording devices used in undercover operations.

III. DEFINITIONS

- **Digital Recorded Media**: Refers to audio-video images recorded on CDs, DVDs, servers and hard drives.

- **Digital Audio-Video Recording Equipment**: Equipment installed in a vehicle or on an officer’s person or uniform that captures audio and video signals, including at a minimum a camera, microphone, recorder, and monitor.

- **Body Worn Camera (BWC)**: An on-the-body/uniform audio and video recording system assigned to an officer as an additional means of documenting specific encounters with citizens in the field.

IV. OBJECTIVES

The department has adopted the use of BWCS to accomplish the following objectives:

- To enhance officer safety.

- To accurately capture statements and events during the course of an incident.

- To enhance the officer’s ability to document and review statements and actions both for internal reporting requirements and for courtroom preparation/presentation.

- To evaluate officer performance and to provide an impartial measurement for self-critique and field evaluation.
➢ To capture visual and audio information for use in current and future investigations.
➢ To protect officers from false allegations of misconduct.
➢ To deter officer misconduct.

V. PROCEDURE

A. Access and Review of Recorded Images

Access to recorded media by department employees is determined by the BWC server through the department’s secure password protected network. Only designated employees may access recorded media.

Officers may access and review their own recordings, and supervisors may review all recordings pursuant to a request made to the Patrol Commander. The BWC server will be located in the Patrol Commander’s Office.

BWC equipment will be used only for legitimate law enforcement purposes in accordance with applicable law and departmental policy. Any portion of video/audio that records events surrounding a violation of the law (which includes a crime or offense prosecutable in the criminal courts in North Carolina or in the United States, or an infraction) is considered a record of a criminal investigation, as described in N.C. G.S. 132-1.4, and NOT a public record, as deemed in N.C.G.S. 132-1.

Any portion of video/audio that is used to subject an employee to departmental disciplinary action is NOT a part of the employee’s personnel file as defined in Part 7 of Chapter 126 of N.C.G.S. 160A-168, or N.C.G.S. 153A-98.

Recording in the custody of this law enforcement agency shall be disclosed only as provided by N.C.G.S. 132-1.4A. Any person requesting disclosure of a recording must make a written request to the Chief of Police that states the date and approximate time of the activity captured in the recording, or otherwise identifies the activity with reasonable particularity sufficient to identify the recording to which the request refers.

B. Media Duplication and Retention

All BWC recorded images and files are the property of the Department and dissemination outside the agency is strictly prohibited without specific authorization by the Chief of Police or his designee.

Except as authorized by this policy, copying, reproduction, or display of recorded images and files or any segment thereof generated by the department must be authorized by the Chief of Police or his designee. In such cases, only the Chief of Police or his designee can authorize the copying of recorded media.

At the conclusion of trial proceedings or as otherwise authorized by the District Attorney’s Office for which the media was required, the Patrol Commander will submit all copies to the Evidence Custodian for further storage. Destruction of recorded media will be accomplished through the normal evidence destruction process.
Any recording subject to the provision of N.C.G.S. 132-1.4A shall be retained for at least the period of time required by the applicable records retention and disposition schedule developed by the Department of Natural and Cultural Resources, Division of Archives and Records.

Copies of recorded media will be maintained by the Patrol Commander and the Evidence Custodian. Digital Media will be marked the same as any other piece of evidence or property. Officers will not possess copies of recorded media without authorization from the Chief of Police or his designee.

An officer shall request digital evidence designated for evidence or safe keeping based on established reason codes listed below. These individual categories will be listed in a “Digital Evidence Preservation Log.” This log book will be located in the records office and will be maintained by the Patrol Commander.

- Non-Citizen Involvement: Video that does not contain an interaction with a citizen.
- Traffic Stop Warning: Verbal or written warning, with no citation or arrest.
- Accidental Recordings: Any video deemed inappropriate or accidental that does not illustrate a police function or could be embarrassing to the officer. Accidental Recordings may be deleted immediately by the Patrol Commander if proper documentation has been submitted indicating the reason for deletion.
- Non-Criminal Offenses: Video taken during a routine Call-For-Service that does not constitute a need for criminal charges or investigation. Officers may turn off cameras to avoid unnecessary recordings and protect a person’s right to privacy. Officers will be required to turn their cameras back on, if feasible, when an encounter becomes criminal or hostile.
- IA Investigations: These digital images will be stored for 4 years, unless the suspect was arrested for a felony. In which case the digital files will be stored for a period of 20 years.

Officers will be required to fill out their requests on a daily basis. The requested digital recordings will be placed on a separate server and remain there until requested for court. It is the responsibility of each officer to insure that their requests have been acknowledged by the Patrol Commander. This will be done by signatures and initials on the Digital Evidence Preservation Log.

A request for digital evidence for a court proceeding will be in writing and signed by the officer. The officer should complete a “Request for Digital Evidence Form” and submit it to the Patrol Commander.

C. Deployment Considerations

BWCs will be assigned to officers primarily working in an uniformed capacity in a field assignment. All BWCs assigned to patrol should be utilized on a daily basis.

Immediate supervisors are responsible for ensuring that affected on-duty officers are
equipped with a functioning BWC at the beginning of each shift. The Patrol Commander will assign each officer with a camera to enable properly labeled video uploading into the remote digital storage system, L3 Mobile.

Upon being assigned the BWC, individual officers are responsible for its use and maintenance during their shift. Any apparent problems with the BWC will be immediately brought to the attention of a supervisor.

Officers will wear the BWC on their uniform shirt or jacket near the center of their chest, utilizing only the mounting equipment provided by the manufacturer of the BWC. It shall be the responsibility of the officer to ensure that their BWC remains in a position which allows for the recording to closely replicate the perspective of the officer using the equipment.

The intention to stop the recording will be noted verbally before deactivation. BWC equipment will be activated during all occurrences of the following:

1. Traffic stops, including but not limited to traffic violations, stranded motorist assistance and crime interdiction stops.
2. Pursuits.
3. Arrests.
5. Calls involving emotionally or mentally disturbed persons.
6. Disturbances and disorders.
7. Investigative actions such as field interviews and suspicious persons/vehicles.
8. Any situation or incident that the officer, through his/her training and experience, believes should be audibly and visually recorded.

If not already activated, the BWC shall be activated to record any encounter that becomes adversarial. The BWC should remain on throughout the duration of the encounter or until otherwise instructed by a shift supervisor.

Once the BWC is activated, officers will continue to record until the conclusion of their involvement in an event. If working an event that becomes investigative in nature, an officer should activate his/her BWC and record the event throughout its duration. When utilized during the execution of a search warrant, an officer may deactivate their BWC after the initial sweep of the location when the incident transitions from tactical in nature to investigatory where they will not be the lead investigator. Additionally, an officer may deactivate the BWC at any point he reasonably believes that doing so will not result in the loss of critical documentary information, or when directed to do so by a supervisor.

D. Restrictions of Use

BWCs shall be used only in conjunction with official law enforcement duties. The
BWC shall not generally be used to record:

1. Communications with other police personnel without the permission of the Chief of Police.
2. Encounters with undercover officers or confidential informants;
3. When on break or otherwise engaged in personal activities; or
4. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room.

E. Digital Operational Protocols

Officers may review their recordings when preparing written reports of events to help ensure accuracy and consistency of accounts.

Officers do not have the capability of erasing, altering, reusing, modifying or tampering with BWC recordings due to the computer system settings established by the department. BWC recordings will be copied onto a CD or DVD and submitted to the Evidence Custodian to be held for criminal prosecution at the direction of the District Attorney’s Office, or when the officer reasonably believes the recording is necessary for court purposes.

Officers shall not have direct access to digital media or any device or server that stores digital images and audio-video files. Minor infractions discovered during the routine review of recorded media will be viewed as training opportunities and not as routine disciplinary matters. Should the behavior or action become habitual after being informally addressed, the appropriate disciplinary or corrective action will be taken.

F. Supervisor’s Responsibilities

1. Supervisors will ensure that all uniformed officers are equipped with an assigned BWC prior to the beginning of their shift. The BWC should not be removed from its charging location before the transfer of data is complete.
2. Upon receiving notification of any damage or malfunction of a BWC, the supervisor will remove the BWC from service and notify the Patrol Commander of the need for repair.
3. Supervisors will ensure that all recorded events are documented by the officer in the associated reports and citations.
4. Supervisors will ensure that any recordings relating to an administrative investigation are downloaded and stored for inclusion in the investigative file prior to their scheduled purge date from the remote digital storage system.
5. Supervisors shall conduct routine reviews of selected recordings captured by officers assigned to them in order to assess officer performance, ensure that the BWC is being utilized properly, and to identify videos that may be appropriate to enhance training programs or experiences.
6. Notification of the existence of recordings which may be beneficial for training purposes shall be forwarded to the Patrol Commander for determination of training value and use. If an involved officer objects to the use of a recording for training purposes, he/she may submit their objection in writing via the chain of command. The Chief of Police will determine whether the training value outweighs the officer’s objection.

7. Supervisors will be responsible for ensuring that all assigned BWC are collected and all video is uploaded prior to leaving at the end of their shift.

G. Patrol Commander’s Responsibilities

The Patrol Commander will process all requests for digital evidence. Once a request has been made, the Patrol Commander will copy the requested digital evidence and secure it on an external hard drive. The digital evidence will be labeled accordingly and stored pursuant to the department’s retention policy established above.

The Patrol Commander will maintain the digital records system and document all requests by the officer or the court. These requests will require a CD or DVD disc be created to duplicate the digital images on the server and stored in evidence by the Evidence Custodian. Copies made pursuant to a request will be turned over to the requesting officer. An officer will receive a maximum of two copies of any digital file. One will go to the District Attorney’s Office and one for the Defense Attorney. Any additional copies must be approved and performed by the Patrol Commander.

The Patrol Commander will conduct selected reviews of recorded media for officers of the department and report to the Patrol Lieutenant for review of officer under their direct supervision once each week in order to:

1. Assess officer performance.
2. Assure proper functioning of BWC equipment.
3. Determine if BWC equipment is being operated properly.
4. Identify recordings that may be appropriate for training.
5. Ensure that personnel who are newly assigned BWC equipment are operating it within departmental policy.

H. Training and Auditing

The Training Coordinator may view any recorded media believed to be of value for training purposes. If a recorded media file is determined to be of value for training purposes; will not be required as evidence, and is not the subject of an administrative investigation; the Training Coordinator may receive a copy and retain the file with other training resources. These recordings will be used exclusively for training within the department.

BWCs will only be carried by officers trained in its proper use. The Chief of Police will assign the Training Coordinator the responsibilities of keeping the agency up-to-date on all issues arising from the use of the BWC.
The department will have yearly training and updates to insure that officers are utilizing the best practices for BWC usage. Digital footage will often be used in establishing a certain level of professionalism and conduct by each officer. These are for informational purposes only to establish performance objectives.
6.01 Tour of Duty Classification

To: All Employees
From: Chief Charles J. Caruso
Date: January 1, 2014  Original Effective Date: January 11, 2005
Re: TOUR OF DUTY CLASSIFICATION

There seems to be some misunderstanding on when to classify 10-41 as Special Assignment. So, let's get the rules straight so there won't be any misunderstandings in the future. Any 10-41 classified as Special Assignment must have the reason in the notes section of the CFS. The only time your 10-41 should be classified as Special Assignment is when:

➢ You are working off-duty;
➢ Called in on your day off to assist in an investigation or other special duty;
➢ Dispatch more than 8 hours in a 12 hour shift;
➢ Your primary duty is training another officer for at least 8 hours in a 12 hour shift (Trainee must take credit for all calls for service); or
➢ You are in training on your day off or at least 8 hours during a regular 12 hour shift.
6.02 Computer & Network Usage

To: All Employees
From: Chief Charles J. Caruso
Date: January 1, 2014
Original Effective Date: December 27, 2004
Re: USE OF MPD COMPUTER NETWORK AND COMPUTERS

EFFECTIVE IMMEDIATELY

No unauthorized computers, printers, scanners, memory devices, or any other accessory or equipment shall be connected to the Mayodan Police Department computer network or any Mayodan Police Department computer. Only a qualified computer technician working for the department or I are authorized to connect any accessory or equipment or to give permission to connect any accessory or equipment to the network or any computer.

Do not download anything from the Internet or install any program without authorization from a qualified computer technician or myself. Do not use Mayodan Police computers or equipment for personal use or for personal gain such as another job. The only exception to this rule is that email accounts may be used for personal use while off duty, but not while on duty.

If there are any questions, please feel free to contact me.
6.03  Calls For Service Log

To: All Employees
From: Chief Charles J. Caruso
Date: January 1, 2014  Original Effective Date: January 5, 2004
Re: CALLS FOR SERVICE LOG

Please pay attention to detail when entering calls for service. Upon reviewing the December log, I found numerous mistakes in the classification of calls. Please use the following guidelines to make sure everyone is doing this the same way and doing it correctly.

Classification: Crime

Anything that is reported that is of a criminal nature. Some things are obviously a crime, but we seem to have trouble with others such as: Loud Music, Trespasser, Assault, Property Damage, Communicating Threats, Larceny, Shoplifting, Fraud, and Breaking and Entering.

Classification: General Police

Anything that is not of a criminal or traffic nature such as: Begin Tour of Duty, Serve Warrant, Assist Other Agency (regardless of the nature of the call), Domestic Disturbance, and Call for Service.

Classification: Traffic

Anything that relates to traffic such as: Traffic Stops, Traffic Accidents, Directing Traffic, and Road Blocks.

We do not use End Tour of Duty. When someone checks 10-42, it should be entered in the cleared time under the Begin Tour of Duty call for that person.

Call for Service should only be used as a last resort. Check to make sure that the call does not fit into another category before using it.
6.04   Criminal Citations

To:     All Employees  
From:   Chief Charles J. Caruso  
Date:   January 1, 2014   Original Effective Date:  December 29, 2003
Re:     CRIMINAL CITATIONS

Whenever a North Carolina Uniform Citation is issued for a criminal offense, anything other than traffic, an Incident Report and Arrest Report should be turned in with it. As much information as possible should be filled out on both the citation and the reports. This will enable us to keep more accurate records.

Dispatchers should request an arrest report for each criminal citation if it is not turned in with the citation.
6.05 Domestic Violence Criminal Complaint Form

To: All Officers
From: Chief Charles J. Caruso
Date: January 1, 2014  Original Effective Date: March 10, 2004
Re: DOMESTIC VIOLENCE CRIMINAL COMPLAINT FORM

In collaboration with Chief District Court Judge Rick Stone, several magistrates, Help, Inc. and the District Attorney a new Criminal Complaint Form has been developed. The form is to be used by law enforcement officers when investigating Victim Rights Cases. This includes all Class A through Class E felonies and all F, G, H, and I felonies highlighted on the attached Felony Classification Chart as well as the attached misdemeanor domestic violence cases. Magistrates have also adopted this form to use in domestic violence cases.

You are directed to deliver the completed form to the District Attorney by either faxing it to them at: 634-6011 or in person as soon as possible, but within 72 hours as stated in GS 15A-831. This allows the District Attorney to meet the responsibilities stated in GS 15A-832.

If you have any questions, please contact the District Attorney’s office at: 634-6010.
6.06 Evidence Procedures

To: All Employees
From: Chief Charles J. Caruso
Date: January 1, 2014 Original Effective Date: February 26, 2004
Re: EVIDENCE PROCEDURES

The SBI Laboratory is severely backed up. They are no longer accepting evidence without approval from the District Attorney. Therefore, the following procedures shall be followed when dealing with evidence:

➢ Field testing should be conducted whenever cocaine or marijuana is suspected. This information along with the results should be noted in the police report.

➢ An officer’s testimony is also sufficient in identifying marijuana as long as he can articulate that he has training and experience identifying marijuana.

➢ Marijuana should be weighed by the officer. This information along with the results should be noted in the police report.

➢ Contact the District Attorney’s office and advise them of the case to determine if the evidence should be submitted to the SBI Laboratory.

➢ Any evidence not submitted to the SBI Laboratory shall be submitted in the usual manner to be stored in the evidence room.

Whenever evidence is submitted to the SBI Laboratory, the following procedures shall be followed:

➢ The charging officer shall maintain secure custody of the evidence until it is sent to the laboratory.

➢ The charging officer shall package the evidence and complete all necessary forms.

➢ The charging officer shall hand deliver the evidence to the post office to determine the cost of sending it certified mail.
➢ The charging officer shall then return to Town Hall, obtain the correct postage, return to the post office and mail the evidence via certified mail.

➢ The charging officer shall retain all receipts.

➢ When the evidence is returned to the police department, it shall be secured in the evidence room and a copy of the laboratory report shall be retained in the charging officer’s file.

If you have a case pending prosecution that is waiting for evidence that has already been submitted to the SBI laboratory, you should contact the District Attorney’s office. The DA may be able to expedite the process.

Officers should be very particular that precise and detailed reports are written in all cases—especially cases that involve physical evidence.

Officers can hand deliver any evidence to the NCSBI Office in Greensboro, NC. The Traid Regional Crime Lab had two Evidence Technicians that can facilitate the process by accepting and mailing any evidence to the main office in Raleigh.

Officers should contact the following technicians for assistance:

NCSBI Traid Regional Crime Lab
2306 West Meadowview Road, Suite 110
Greensboro, North Carolina 27407
FAX: (336) 315-4956

Deborah L. Cantu                     Sylvia A. Jones
dcantu@ncdoj.gov                    sajones@ncdoj.gov
(336)315-4924                       (336)315-4959
6.07 Towing Procedures

To: All Employees
From: Chief Charles J. Caruso
Date: January 1, 2014 Original Effective Date: January 21, 2005
Re: TOWING PROCEDURES

Whenever a vehicle is impounded or seized for felonious usage, in accordance with
our policy, it should be stored inside the fenced area at the old town shop located on
Jefferson Street. Have the vehicle placed in a location where it will not cause a
problem with normal traffic in and out.

The storage fee will be $25/day and the total amount will be determined by the Chief
of Police. This fee, along with any towing fee, must be paid prior to releasing the
vehicle. The vehicle’s keys and any paperwork shall be placed in the dispatch office.
If the seizure is part of an ongoing criminal investigation, the vehicle’s keys shall be
logged into evidence for safe keeping.

If the vehicle is towed for any other reason, the officer should ask the person in
control of vehicle if they have a tow company preference. If they do not, request a
rotation wrecker service. The vehicle should be towed back to the wrecker service’s
impound facility.
6.08 Shift Protocol

To: All Employees
From: Chief Charles J. Caruso
Date: January 1, 2014  Original Effective Date: November 2, 2004
Re: SHIFT PROTOCOL

Employees of the Agency are required either by departmental regulations, policies, or suggestions by your supervisor to perform the following on a regular and/or daily basis:

**Uniform Inspection:** Each member shall be properly dressed while working at the department or while training outside the department. Proper dress consists of the uniform and equipment issued by the department, or approved business casual dress while training. Uniforms are to be clean, pressed and free of defects. Department issued shoes shall be polished and free of dirt. All issued uniform attire and equipment shall be inspected daily to ensure proper function and appearance. (Section 6.01)

**Vehicle Inspection:** Each member assigned a vehicle shall be responsible for the cleanliness of his/her vehicle. At the beginning of each patrol shift, the member shall inspect their assigned vehicle for defects and proper function. If a defect is detected, the employee shall notify their supervisor of the defect. The supervisor will determine if the vehicle is to be taken out of service until such time the vehicle is repaired. If repairs are necessary, the Captain must be notified in writing, on the approved form, describing the repair and/or maintenance required.

If your vehicle is out of service, you should drive a vehicle in accordance with the rules.

During the first day/night of any patrol shift, the employee shall clean their assigned vehicle. If the vehicle is already clean, the employee may wait until the last day/night of their patrol shift to clean the vehicle. No vehicle will be left unclean for oncoming shifts. The only time a vehicle may be left unclean is when inclement weather exists or other exigent circumstances. (Section 6.01)

**Department Inspection:** Each employee will be responsible for keeping the police department clean. The dispatcher will primarily have this assignment; however, the shift supervisor is ultimately responsible. The floors, tables, bathrooms and windows
shall be clean for the oncoming shift. No trash should be left inside the department. (Section 6.01)

**Time Off**: Each employee requesting a day of vacation shall submit a request to the scheduling officer. For partial days, sick time and other time off, the request shall be made to the supervisor. If the employee calls the department to report a sickness, the employee shall notify the supervisor, or have communications send him/her a message page immediately. No employee shall report for work expecting or assuming that he/she will be leaving early, even if permission has been granted. (Section 5.07)

**Integrity**: There will be no criticism of other members or teams. Each supervisor is responsible for their shift and their subordinates. Do not undermine the integrity of this department or its members. If you have any problems or negative comments, they should be in private with your supervisor. Always follow the chain of command. At no time are you to discuss departmental issues with members of the public or other agencies. Anyone requesting information about any issue regarding this agency should be referred to the Chief or Captain. (Section 1.03, 1.04, 1.05, 3.04, 5.12)

**Truthfulness**: All employees are required to be truthful to supervisors, other employees and the public. (Section 1.02)

**Policy Violations**: Any member who violates any departmental policy may be reprimanded by their supervisor. Act accordingly and treat others as you would have them treat you. (Section 8.01, 8.02, 8.03)

**Beginning Tour**: Each employee is requested to report for duty a minimum of 15 minutes prior to the start of the shift. This is not mandatory and can not be enforced. Employees are only encouraged to do so as a sign of professional courtesy, regardless of what other employees or shifts may do. (Section 5.05)

Each member shall check their assigned email account and the department’s web calendar every day. This should be done immediately after reporting for work.

**Ending Tour**: All reports shall be entered and completed prior to the end of a scheduled work day. When an officer either takes a report or issues a citation, if feasible, the officer shall return to the police department and give the communications officer the paperwork. At no time are reports or citations held to the end of the shift. (Section 5.06, 5.11)

Members on duty should not leave work until they are properly relieved of their duty. The supervisor on duty is required to hold a meeting with the oncoming employees before he/she leaves work. The meeting should consist of several things including, but not limited to:

- Summary of all calls for service answered during the previous shift.
➢ Ensure cleanliness of the department.

➢ Ensure all keys are accounted for (keys to all the patrol vehicles should be in the key box in the dispatch office unless the vehicle is being repaired).

➢ Ensure that all animal cages/equipment are either at the department or properly logged out.

➢ Ensure all off-duty police vehicles are properly parked (they should be in a properly marked space other than in front of the department—preferably in the lower lot).

➢ Ensure all personal vehicles are properly parked (no personal vehicles in the spaces across from the department or on the sidewalk in front of the department).

➢ Anything else that may be important to know.

Once relieved of duty, the oncoming supervisor assumes responsibility for the entire department and all equipment.

*A supervisor is defined as the highest ranking patrol officer on duty or reporting for duty.*
6.09 Sex Offenders Prohibited in Public Parks

To: All Employees
From: Chief Charles J. Caruso
Date: January 1, 2014
Original Effective Date: March 9, 2009
Re: SEX OFFENDERS PROHIBITED IN PUBLIC PARKS

Effective immediately the following ordinance will be in effect:

An Ordinance Amending CHAPTER 11, ARTICLE 1-DISORDERLY CONDUCT

Be it ordained by the Town Council of the Town of Mayodan, North Carolina, that Chapter 11, Article 1, is hereby amended to add Section 11.4 as follows:

A. SECTION 11.4 Sex Offenders - Public Facilities

It shall be unlawful for any person or persons registered as a sex offender with the State of North Carolina and/or any other state or federal agency to knowingly enter into or on any Town of Mayodan Parks and Recreation facilities, public parks or “Greenways” trails that are owned, operated or maintained by the Town of Mayodan. Anyone found in violation of this ordinance shall be subject to a fine of not less than $500.00 per offense and/or thirty (30) days in jail. Each and every entry into any Town of Mayodan Parks and Recreation facilities, public parks or “Greenways” trails, regardless of the time period involved, shall constitute a separate offense under this ordinance. The Town of Mayodan shall post a Notice of this ordinance at the main entrance of each Town of Mayodan Parks and Recreation facility, public park and at reasonable intervals along the length of any “Greenways” trails within thirty (30) days of the adoption of this ordinance. For the purpose of this ordinance, a Registered Sex Offender shall be defined as an individual who is registered by any state or federal agency as a sex offender and whose name is published on any state or federal registry listing sex offenders, including but not limited to the sex offender registry established in Chapter 14 Article 27A of the North Carolina General Statutes.” This Ordinance shall become effective upon its adoption by the Town Council of the Town of Mayodan, North Carolina.

B. Police Department Responsibilities

1. Charging Language

Did knowingly enter into or remain on any Town of Mayodan Parks and Recreation facility, public park or green-way trail, to wit: (describe place), such property being owned, operated or maintained by the Town of
Mayodan, while being a registered sex offender. In violation of Mayodan Town Ordinance II.4.

**NOTE:** This Town ordinance violation is a Misdemeanor. If charging on a citation, check the red box and write in the above listed language. Furthermore, officers should strike the language after unlawfully and willfully on the citation.

**NOTE:** There is no fine associated with this charge. There is however an applicable court cost associated with this charge.

2. **Arrest Procedures**

As with most criminal charges, each Officer may use their discretion when determining arrest versus issuing a citation and releasing the offender. Regardless of which action is chosen, the following guidelines will apply:

a) Transport the offender to the Department for processing.

b) Photograph the offender.

c) Complete an Interview and Waiver Form.

d) If arrested, have the offender sign a Medical Release Form.

e) Complete and Incident Report citing the Ordinance Violation.

f) Complete an Arrest Report.

g) Obtain a Criminal Records Check, along with the Sexual Offender's Registration Hit, and include in the case file.

h) Officers should obtain a certified copy of this ordinance prior to the scheduled court date.

3. **Restrictions**

No officer shall charge for this ordinance until the Town has posted each property with the appropriate signage. Once posted, no warnings are required before initiating enforcement of this ordinance.
6.10 Wal-Mart Arrest and Court Procedures

To: All Employees
From: Chief Charles J. Caruso
Date: February 26, 2014 Original Effective Date: February 26, 2014
Re: PROCEDURES FOR SETTING COURT DATES

Effective immediately the following procedure will be in effect:

Officers responding to a report of larceny or trespass from Wal-Mart, Incorporated will follow the procedures set forth in this memorandum. When you receive a complaint, you will answer the call in a timely matter. When you arrive at Wal-Mart, speak with the APA assigned to the case.

The APA will relay the information about the crime. The officer shall make an attempt to verify the suspect’s identity and document the information for report purposes. If probable cause exists, the officer should issue a citation and list the Wal-Mart APA’s court date. A list of court dates is included below. In addition, the officer shall list the witness information for the Wal-Mart APA, to include their name, address and phone number. If no other extenuating circumstance exists, the office can release the defendant and clear the call.

The District Attorney has agreed that officers need not be present for any Wal-Mart related incident, unless the defendant or their lawyer requests it for court proceedings. If your presence is requested, the case will be set on your next court date, rather than the Wal-Mart APA’s court date. This procedure should diminish the amount of time spent in court for Wal-Mart related crimes.

NOTE: This only applies to misdemeanor larceny and trespass charges. If you charge for any other offense or felony charge, you need to use your normally scheduled court date.

APA Court Dates

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Reporting Requirements

Officers will complete and Incident and Arrest Report for each offense. If applicable, the defendant should be photographed.
6.11 Animal Control – Equipment Log

To: All Employees
From: Chief Charles J. Caruso
Date: April 1, 2016
Re: PROCEDURES FOR ANIMAL CONTROL AND EQUIPMENT REQUESTS

**Effective immediately the following procedure will be in effect:**

Officers receiving information or complaints from citizens concerning domesticated animals shall handle these calls in a timely manner, consistent with the Town's Animal Control Ordinance. Certain animal control procedures will be implemented to better access the needs of the citizens and the ability of the Department to provide services.

A new Equipment Request Log will be implemented and will be located in the Records Office. This log is to be completed and maintained by each officer of the Department and will be routinely inspected by the Patrol Lieutenants. The procedures for this form are established by a system of checks and balances, which will allow any officer to follow the requested equipment through the loan-out process.

The operational procedures for animal complaints will be subject to the following guidelines:

- The operational hours will be Monday – Thursday from 8am – 5pm and Friday from 8am – 2pm.
- Weekend or holiday animal control operations will be on a case-by-case basis, whereby the animal in question has been deemed vicious by statute.
- All animal taken into temporary custody will be housed and properly cared for by the Department, until such time the animal can be transported to one of the following locations:
  1. Animal Clinic of Madison – Mayodan (726 Ayersville Road, Madison, NC)
     (336) 427-0271
  2. Rockingham County Animal Shelter (250 Cherokee Camp Road, Reidsville, NC)
     (336) 394-0075

The requested equipment will be delivered on a first-come, first-serve basis. The Monday day shift officer will determine the next person to be loaned equipment, and shall make that delivery at his/her earliest convenience. If the officer is unable to make contact with the requesting citizen, leave a message and refer to the log book for the next requesting citizen.

Mayodan Police Department (Section III: Standard Operating Guidelines)
The officer working on Friday, or any Thursday, whereby the Town is closed for business due to holiday on Friday, will refer to the Equipment Request Log book and determine where each piece of equipment is located. The officer shall make every effort to retrieve and secure all loaned equipment prior to the close of business.

Each piece of equipment shall be stored in the service bay adjoining the Department, along with pet appropriate food. Any requests for pet food and equipment maintenance shall be referred to the Patrol Supervisor. If any officer must purchase supplies using personal funds, they will be reimbursed pursuant to a request made to the Patrol Lieutenant.

The Patrol Lieutenants will be responsible for maintaining the integrity of the Equipment Request Log, and will ensure each officer is informed of any future changes to this procedure. Each officer shall have the authority to use their discretionary judgment when determining to leave the Town to handle animal housing concerns. The Town should never be left unprotected to transport an animal to a shelter or storage facility, neither is the animal or the citizen to be caused to suffer for the Department's scheduling concerns.

Any request made that expressly countermands this memorandum must be forwarded through the normal lines of communication and through the Department's command staff. Our mission is to serve our citizens, while maintaining the security and well-being of the Town. We also have a legal and moral obligation to treat each animal with respect and dignity, until such time it can be properly housed or returned to its rightful owner.
To: All Employees  
From: Chief Charles J. Caruso  
Date: April 1, 2016  
Re: PROCEDURES FOR DEATH INVESTIGATIONS

Effective immediately the following procedure will be in effect:

Officers receiving calls regarding a death investigation should fill out a Death Investigation Information Form and place it inside the body bag prior to transport. This form is utilized by the Medical Examiner to obtain pertinent information from the incident and the decedent. The form is a PDF fillable form and can be completed on the in-car computer, printed on the thermal printer and placed inside the body bag. It also acts as a supplemental document if any additional investigation is required.

Once an officer receives all the available information and the body has been cleared for transport; by someone other than a funeral home, place the form inside a plastic evidence baggie; insert it into the body bag; and seal with a blue evidence tag. (See Image Below) These tags can be used to securely seal body bags for evidence control procedures. The tags and plastic evidence baggies are located in the patrol office in the cabinet under the dry erase board. On the incident report, under the property tab, record the seal number in the “STA# or STATE#” field. Inserting this information will allow us to easily search for the each seal whether it was used to secure body bags, or other property requiring sealed tag, such as found property. (ie... bicycles or large items store outdoors)

If you have any questions or concerns, please direct them to the detective’s division. For any suspicious death investigation, please contact the on-call detective for assistance.