THE FAYETTEVILLE POLICE DEPARTMENT WILL ALWAYS HAVE **FAITH** IN SERVICE, **PRIDE** IN COMMITMENT AND **DEDICATION** TO EXCELLENCE.

Fayetteville
North Carolina
POLICE

FAYETTEVILLE POLICE DEPARTMENT

POLICY MANUAL

LAW ENFORCEMENT ACCREDITATION

Fayetteville Police Department Policy Manual

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Fayetteville Police Manual Preface

This Manual sets forth the standards, values, and expectations of the Fayetteville Police Department. Its policies, procedures, core values, and mission and priority statements exist to maintain high levels of professional conduct and are the embodiment of the Department's concerns for ensuring effective, safe, and constitutional law enforcement.

The Manual is intended to provide specific guidance and to serve as a reference to employees of the Fayetteville Police Department.

It is the responsibility of each member of the Department to comply with the Manual's rules and provisions.

To the extent that Department policy may contain provisions more restrictive than state or federal law, such provisions are not intended, nor may they be construed or applied, to create a basis for liability against the City or any of its employees.

The Fayetteville Police Department Manual is maintained by the Planning, Research and Development Unit. The policies are reviewed frequently and changes occur often.

Mailing Address:

Fayetteville Police Department
467 Hay Street
Fayetteville NC 28301

USER'S GUIDE

GENERAL

This manual provides employees of the Fayetteville Police Department with a readily accessible source of agency-approved policies, procedures, and rules which comply with the standards established by the Commission on Accreditation for Law Enforcement Agencies (CALEA). The Written Directives and Operating Procedures contained within are intended to serve as a guide and framework within which decisions can be made. The manual is not intended to cover every situation that may arise in the discharge of an employee's duties.

This manual is issued upon the authority of the Chief of Police. All Fayetteville Police Department employees are expected to read and apply the contents in the conduct of his/her position and duty. New policies and procedures will be disseminated through the online PowerDMS system. An electronic signature from each employee will be obtained by the PowerDMS system and will serve to provide acknowledgment of receipt, as well as signify an employee understands the newly issued policies. PowerDMS will maintain a database of the electronic signatures and acknowledgments for documentation and tracking purposes.

MANUAL ORGANIZATION

Written Directives and Operating Procedures are grouped into chapters according to content. The numbering system has been simplified and a cross-reference has been added to assist users in locating specific information from old to new. To facilitate the manual's use both as a ready reference and training tool.

CIVIL AND CRIMINAL LIABILITY

The Fayetteville Police Department Policy Manual is for internal use only and should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

MANUAL COMMENTS

Please notify the Accreditation Staff if any area of this manual needs correction or if there are suggestions or comments. You can email the Accreditation Staff at auser@ci.fay.nc.us.

Our Mission and Core Values

Mission Statement

The Fayetteville Police Department is dedicated to improving the quality of life by creating a safe and secure environment for the citizens we serve. We will always act with integrity to reduce crime, create partnerships, and build trust while treating everyone with respect, compassion and fairness.

Vision Statement

To serve as a premier law enforcement agency that is invested in the growth and safety of our community through innovation and a balanced approach to Law Enforcement. We will pursue and engage the best trained, equipped, and committed professionals who demonstrate the highest standards of performance and best policing practices in partnership with the community.

Core Values

FAITH. PRIDE. DEDICATION.

The Fayetteville Police Department will always have FAITH in service, PRIDE in commitment and DEDICATION to excellence.

FAYETTEVILLE NC
POLICE DEPARTMENT

July 7, 2025

TO: All Police Department Personnel

FROM: Roberto E. Bryan Jr., Chief of Police

SUBJECT: Bridging Document

Pursuant to assuming command of the agency on July 7, 2025 at 12:00 a.m., all written directives approved by the previous chief executive officer(s)* will remain in effect for all agency personnel until amended, revised, or rescinded on my authority. The purpose of this bridging document is to ensure continuity of operations for administrative and line functions and to provide consistent performance and service delivery expectations to all agency employees during the transition of command.

*Chief Executive Officer terminology is used for appointed or elected chiefs, sheriffs, directors, etc.

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

The City of Fayetteville, North Carolina does not discriminate on the basis of race, sex, color, age, national origin, religion, or disability in its employment opportunities, programs, services, or activities.

	Fayetteville Police Department	
	Subject **RULES AND REGULATIONS**	**Effective Date** 23 May 2024
	Revised 2-25-15, 01,28-18, 06-11-20, 02-18-21, 04-27-21, 10-27-21, 03-11-22, 04-25-22, 06-15-23, 07-31-23, 12-13-23	**Page** 1 of 15
	CALEA Standard 1.1.2, 4.1.1, 4.1.5, 12.1.2, 12.1.3, 12.2.1, 12.2.2, 22.1.8, 26.1.1, 26.1.3, 26.1.5, 26.3.6, 26.3.7, 35.1.6, 35.1.9	

I. FUNCTIONS OF THE DEPARTMENT

The prime function of the Police Department of the City of Fayetteville and the reason for its existence is the enforcement of the law of the State of North Carolina and the City of Fayetteville in conformity with the Constitution of the United States of America and the State of North Carolina. To this end, the department shall:

1. Preserve the public peace, prevent crime, detect and arrest offenders against the criminal laws and ordinances effective within the City, suppress riots, mobs and insurrections, disperse unlawful or dangerous assemblages, protect the rights of all and preserve order at all electionsand assemblages.

2. Administer and enforce laws and ordinances to regulate, direct, control and facilitate the movement of vehicular and pedestrian traffic and the use of streets by vehicles and persons, and adhere to rules and regulations that shall facilitate the lawful goals of the department.

3. Provide proper police response to calls for police service.

4. Provide for the attendance of police officers or civilian employees in court as necessary for the prosecution and trial of persons charged with crimes and other violations of the law, and of federal, state, county and city governments.

5. Maintain maximum efficiency and operational effectiveness with direction and support from policies and procedures, training, competent supervision, and a supportive command staff designed to protect and serve the City of Fayetteville.

II. IMPORTANCE OF RULES AND REGULATIONS

To achieve true success, the department must maintain the confidence and respect of the community it serves. We have competent personnel who can accomplish this with a strong commitment on the part of all to perform their duties in an efficient, honest and professional manner and by exhibiting exemplary conduct to satisfy the community's expectations that the Police Department is an important advocate ofcommunity wellness.

All employees of the Police Department are subject to the rules, regulations, directives, core values, orders and policies of the department contained herein or stated elsewhere. In order to maintain good order and discipline within the department, it is essential that specific standards of conduct and the prohibition of certain acts contained in these rules and regulations, or stated elsewhere, be adhered to. Violations of the standards and prohibited acts will result in corrective actionor disciplinary action, to include dismissal from the department. Disciplinary action shall be taken at thediscretion of the Chief of Police, who may consider the employee's entire work record with the department. Such action will then be subject to approval of the City Manager or other entities as prescribed by the City of Fayetteville Employee Relations Manual. The standards of conduct shall govern the official and unofficial acts of each member of this department, both on and off duty.

In order to perform their duties properly, it is essential that the officers of the department familiarize themselves with the Law Enforcement Code of Ethics, our department's Core Values, as well as the following Rules and Regulations.

III. LAW ENFORCEMENT CODE OF ETHICS

Ethics training will be conducted for all personnel, at minimum, biennially.

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

I WILL keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the lawsof the land and the regulations of my department. Whatever I see or hear of a confidential nature or thatis confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

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

I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession - law enforcement.

IV. ADMINISTRATION

The administration of the Police Department shall be the responsibility of the Chief of Police, who reports directly to the City Manager on any matters relating to the government, effectiveness and general conduct of the department and its employees.

V. GENERAL

Pursuant to the laws of the United States of America, the State of North Carolina and the City of Fayetteville, the rules and regulations hereinafter set forth are established for the guidance and government of the Fayetteville Police Department.

The right is reserved by the Chief of Police, with the advice and consent of the City Manager, to amend or revoke any of the attached rules and regulations and to make additional rules and regulations from time to time as required for the good of the service. If any provision, clause or phrase of these rules and regulations, or their applications to any person or circumstance, is held invalid, such invalidity shall not affect the provisions or applications of the remaining rules and regulations, which can be given effect without the invalid provision or application. To this end, the provisions of these rules and regulations are declared to be separable.

Individuals subject to these rules and regulations must understand that no compilation of rules and regulations can be established which will embrace all cases arising in the discharge of their duties. Some matters must necessarily be left to the intelligence and discretion of the individuals. However, all employees of the department must understand that if discretion is used in a wanton or unreasonable manner, which is determined to be detrimental to the discipline and efficiency of the department and the image of the City, and which law and sound public opinion recognize as injurious to the ability of the department and the City to protect and serve the community, that employee of the department who violates or attempts to violate these rules and regulations will be subject to disciplinary action.

Whenever serious improper conduct of an employee is observed by any supervisor, it shall be that supervisor’s responsibility to immediately take corrective action, if prudent, and immediately report, in writing, their findings and recommendations to the Internal Affairs Unit, and the Chief of Police.

Any first-line supervisor, sergeant or above, may relieve an employee from duty on an emergency basis

when in the best interest of the department. Such relief from duty will remain in effect until 0800 hours on the next business day, unless otherwise directed by competent authority. The employee will be suspended with pay until directed otherwise by competent authority. At that time, the relieved employee and the supervisor effecting the relief will report to the Office of the Chief of Police.

Civilian supervisors have authority only over employees in their respective sections.

Existence of facts establishing a violation of law, rules or regulations, general or special orders, policies or procedures, written or verbal order is all that is necessary as a basis for corrective action or departmental discipline. All previous rules and regulations of the Fayetteville Police Department are superseded as of the date and time of approval of these rules and regulations by the City Manager. Any cause of action that arose, or may arise, during a period of time in which these rules and regulations were not in effect, shall be supported by the rules and regulations in effect at the time of theoccurrence of the event that created the cause of action.

1.0 KNOWLEDGE OF RULES

1.0.1 Employees shall familiarize themselves with and understand all rules, regulations, written directives and operating procedures of the department and of the City.

1.0.2 Employees who do not understand their duties or responsibilities shall read the relevant directives, rules, etc., and shall consult with their immediate supervisor for clarification and explanation. Failing to clarify any misunderstanding of the rules and directives does not negate an employee's actions if they are inappropriate or are considered a violation.

1.0.3 Department Rules and Regulations, Written Directives and Operating Procedures are electronically accessible to all employees using Power DMS. Each employee is assigned a user account and is responsible for signing on to Power DMS, reviewing and providing an electronic signature acknowledging receipt and understanding of policies. Employees are also responsible for signing on to Power DMS to provide an electronic signature for any revisions as well as the monthly legal update.

1.0.4 When confronted with a situation, for which no rules or established procedures exist, employees shall consult their immediate supervisor for direction.

1.0.5 Ignorance of these rules, regulations, directives, orders or policies shall not be considered as a justification for any such violation.

2.0 AUTHORITY

2.1.0 Chain of Command

Should the Chief of Police be temporarily absent or unavailable, and no representative has been designated as Acting Chief, the senior Assistant Chief on duty shall assume the position of Acting Chief. Should the Chief of Police and Assistant Chiefs be absent or unavailable, and no representative has been designated Acting Chief, the command shall descend in the following order, unless precluded by specific circumstances:

1. Major of Police on duty by date of rank;
2. Captain of Police on duty by date of rank;
3. Lieutenant of Police on duty by date of rank;
4. Sergeant of Police on duty by date of rank;
5. Senior Officer on duty by date of sworn employment.

2.2.0 Determining Command

The following is an administrative procedure that is to be applied when determining command rank and authority. Staff authority is defined as the authority granted to an officer because of his rank in the department. Line authority is defined as the authority granted to an officer because of his assignment

and function in the department. Staff officers shall always have line authority within their respective divisions and, on occasion, shall have line authority outside of their respective divisions, but only in situations where circumstances compel them to take command of a given situation.

2.3.0 Command Authority

The officer in command shall have and be permitted to exercise the rights and duties of command, but shall be particularly careful to carry out all verbal and written directives of the City of Fayetteville and the Chief of Police. Directives or the organizational chart of the department shall not, except in cases of EXTREME emergency, be disregarded. In such an emergency, a report of the action taken and the cause for same shall be submitted in writing to the Chief of Police prior to the termination of duty on the day the directive / organizational chart was disregarded**.**

3.0 UNBECOMING CONDUCT

3.0.1 Employees shall conduct themselves at all times, both on and off duty, in a manner that is in keeping with the highest standards of the law enforcement profession.

All employees of the department are prohibited from engaging in any conduct that brings the department into disrepute, reflects unfavorably upon the employee as a member of the department, damages or affects the reputation of that employee, or impairs the operation or efficiency of the department or any of its personnel.

3.0.2 Evidence of unbecoming conduct for all employees may include, but is not limited to, immoral conduct, or conduct in violation of the City of Fayetteville's Employee Relations Manual. Any inappropriate intimacy that impairs the operating efficiency of the department or interferes with the job performance of an employee shall apply to this section.

3.0.3 Employees within the agency that share a romantic or sexual relationship shall immediately notify their respective division commander. Because of potential issues that could rise from the relationship, the Chief of Police and/or Command Staff may require a transfer of personnel to ensure these potential issues are mitigated as much as possible.

3.0.4 Employees will not use intentionally insulting profanity or any intentionally insulting language toward other employees.

3.0.5 Employees, while off duty, shall refrain from consuming intoxicating beverages to the extent that it results in impairment, intoxication, obnoxious or offensive behavior which discredits them or the department, or renders the employee unfit to report to their next regular tour of duty.

3.0.6 Employees shall not possess or consume intoxicating beverages while in uniform or on duty. Employees shall not store alcoholic beverages in any police facility or vehicle unless such beverages are held as evidence or found property, and are either in the custody of or en route to a Property Room.

3.0.7 Employees shall not appear for duty, or be on duty, while under the influence of intoxicants, or with the odor of intoxicants on their breath. When requested, employees of the department will submit to a breath alcohol testing device when in an on-duty status. Failure to comply with a direct order to submit to a breath alcohol test will be grounds for dismissal.

3.0.8 An employee of this department shall be considered intoxicated and unfit for duty if, in the immediate supervisor's opinion, any degree, or suspicion of consumption or use of an impairing substance would cause impairment of the employee's official duties.

4.0 ASSOCIATION

4.0.1 Employees shall avoid regular or continuous associations or dealing with persons whom they know, or should know, are persons under criminal investigation or indictment and those who have a reputation in the community or the department for present involvement in felonious or criminal behavior. The

exception would be, as necessary to the performance of official duties, or where unavoidable because of other personal relationships of the employees.

4.0.2 Employees shall not knowingly visit, enter or frequent a house of prostitution, gambling house or establishment wherein the laws of the United States, the state or the local jurisdiction are regularly violated except in the performance of duty or while acting under proper and specific order from a supervisor.

4.0.3 Employees shall not engage or participate in any form of illegal gambling at any time, except in the performance of duty and while acting under proper and specific orders from a supervisor.

5.0 VIOLATIONS OF LAW

5.0.1 Employees shall obey all laws of the United States and of any State and local jurisdiction in which the employee is present.

5.0.2 A conviction of the violation of any law shall be prima facie evidence of a violation of this section.

5.0.3 Employees shall not operate a vehicle, on or off duty, while subject to an impairing substance. For the purpose of this rule, it is prima facie evidence that an employee is impaired when they are charged and their blood alcohol concentration is at or above the presumptive level. If an employee's job description requires vehicle operation, and that employee registers at or above the presumptive level or refuses to submit to the required test (N.C.G.S. 20-138.1) thereby resulting in a suspension of their driver's license, action shall be taken in accordance with the City Driving Standard Policy.

5.1.0 Possession or Use of Controlled Substances

5.1.1 Possession or use on duty of controlled substances, narcotics, hallucinogens or prescription drugs is prohibited, except with the approval and guidance of a licensed physician or dentist of North Carolina and with the knowledge of a supervisor. At no time may an employee of the department use or be under the influence of a controlled substance when such use or influence impairs or compromises the efficiency and integrity of the department. When controlled substances or narcotics are prescribed, employees shall notify their supervisor prior to reporting for duty under the influence of such medication. Employees shall report any prescribed controlled substances or narcotics to their immediate supervisor on the Human Resource and Development/Safety "Self-Disclosure Form". The Self-Disclosure form is to be completed in accordance with the City of Fayetteville's Substance Abuse policies and the form is located on Cofweb.

5.1.2 Employees shall not store or bring into any police facility or vehicle any controlled substances, narcotics orhallucinogens, except when such materials are held as evidence or found property, or are either in the custody of or en route to a Property Room, or are used in the course of properly authorized K-9 training.

5.2.0 Arrest, Search and Seizure

All investigative detentions, traffic stops, arrests, searches and seizures of property by officers will be based on a standard of reasonable suspicion or probable cause as required by the Fourth Amendment of the U.S. Constitution and statutory authority. Officers must be able to articulate specific facts, circumstances and conclusions that support probable cause or reasonable suspicion for any arrest, traffic stop, investigative detention, or search or seizure of property.

5.3.0 Treatment of Persons in Custody

Officers shall not mistreat persons who are in their custody. Officers shall handle such persons in accordance with law and departmental procedures.

5.3.1 Officers will not, without proper authority, release any prisoner in their charge or through neglect or design, allow any prisoner in their charge to escape.

5.4.0 De-escalation Tactics

If feasible, all employees should attempt to use de-escalation tactics and techniques, without compromising law enforcement priorities, that seek to minimize the likelihood of the need to use force and increase the likelihood of voluntary compliance. When safe and feasible under the totality of circumstances, officers shall attempt to slow down or stabilize the situation so that more time, options, and resources are available for incident resolution. De-escalation techniques include, but are not limited to: active listening, warning, and verbal persuasion.

5.5.0 Sexual, Ethnic, Racial or Religious Harassment

No employee shall intentionally subject any citizen or fellow employee to any verbal or physical harassment of a sexual, ethnic, racial or religious nature. All allegations of any type of harassment that is sexual, ethnic, racial, gender, or religious in nature is considered a serious incident as outlined by the City of Fayetteville's Employee Relations Manual.

6.0 RENDERING MEDICAL AID

6.0.1 Following the course of any law enforcement action against a subject in which injuries have been sustained and/or the subject requests medical aid, the officer will immediately request medical assistance. After requesting the appropriate medical aid, the officer will take appropriate measures to protect the integrity of the crime scene and will render medical aid within their scope of training. Those actions may include:1). Secure the scene to protect the subject from any further injury, 2). Continue to render any first aid methods within their training until Fire/Emergency Medical Services (EMS) arrives, if applicable, and 3).Provide increased observation of the subject to detect obvious changes in condition.

7.0 UNSATISFACTORY PERFORMANCE

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

Employees shall perform their duties in a manner that will maintain the highest standards of efficiency in carrying out the functions and objectives of the department. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws required to be enforced, an unwillingness or inability to perform assigned tasks, the failure to conform to work standards established for the employee's rank, grade or position, the failure to take appropriate action on the occasion of a crime, disorder or other condition deserving police attention, or absence without leave.

7.0.2 In addition to other indicia of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance: repeated poor evaluations or a written record of repeated infractions of rules, regulations, directives or orders of the department.

7.1.0 Reporting for Duty

Employees shall report for duty at the time and place required by assignment or orders and shall be physically and mentally fit to perform their duties. They shall be properly equipped and cognizant of information required for the proper performance of duty so that they may immediately assume their duties. Judicial subpoenas shall constitute an order to report for duty under this Section.

7.2.0 Failure to Supervise

Supervisors are tasked with ensuring all applicable laws, FPD Rules & Regulations, Written Directives, Operating Procedures, Core Values and City of Fayetteville Policies and Procedures are adhered to by those employees under their supervision. Failure to Supervise is viewed as a failure to address observed and/or reported violations or by failure to supervise and assume a leadership role. Failure to Supervise can be identified as, but is not limited to: A supervisor's failure to act or discipline, deliberate indifference, acquiescence and/or the supervisor facilitating, approving, condoning or turning a blind eye to behavior contrary to FPD or City of Fayetteville policy and procedure.

7.3.0 Prompt Performance of Duty

Employees shall promptly perform, as directed, all lawful duties required by constituted authority, notwithstanding the general assignment of duties and responsibilities.

7.4.0 Departmental Records, Reports and Citations

Employees shall submit promptly all reports that are required of their duties or by constituted authority, and in accordance with current departmental guidelines. No employee shall steal, alter, forge or tamper with any kind of police record, report or citation. The removal of any record, card, report, letter, document or other official file from the department for personal or private use or gain, except by process of law or as directed by the Chief of Police or a supervisor, is prohibited.

Additionally, the obtaining or duplication, or the attempted obtaining or duplication of any information from department files, sources or reports, other than that to which one is properly entitled in accordance with one's duties or assignments, is prohibited. Efforts to interfere with arrests or citations are prohibited, unless by a supervisor and under existing guidelines.

7.5.0 Computer Aided Dispatch (CAD) Notes

On all calls for service where a report, supplement, warning ticket, citation or any other form of written documentation is not generated, then Computer Aided Dispatch (CAD) notes will be entered into the call of service by the responding employee(s).

7.6.0 Self-Assigned Police Action

No officer shall undertake self-assigned police action. For the purposes of this article, "self-assigned' means action undertaken at the discretion of an officer under less than emergency circumstances, without the approval of a supervisor and involving a personal or family relationship. Officers may take prompt and responsible action in any emergency situation, or in any situation in which substantial andirreversible damage would result from the failure to take police action, whether on or off duty. All emergency self-assigned police action shall, within twenty-four hours after commencement, be reportedin writing through the Chain of Command to the Chief of Police.

Should the matter involve the Chief of Police, all actions shall be reported to the City Manager.

7.7.0 Assisting Fellow Employees

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

7.7.1 Employees shall not interfere with or take action in cases being handled by other officers of the department or by another governmental agency unless: (a) ordered to intervene by a superior officer; or (b) the intervening officer believes that a manifest injustice would result from failure to take immediate action. Officers shall not undertake any investigation or other official action that is not part of their regular duties without obtaining permission from their supervisor, unless the exigencies of the situation require immediate police action. Any officer taking such action must notify his immediate supervisor as soon as possible after the incident occurs.

7.8.0 Neglect of Duty

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

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

7.8.3 Employees shall take any official action required by federal or state law, by City ordinance or by any directive of the Chief of Police. This includes, but is not limited to, taking accident reports, natural death reports and any other official action that may be required in response to a call for police service.

7.8.4 Employees shall keep available communications equipment turned on and operating at all times while on duty, unless ordered by proper authority to do otherwise. Officers shall respond to all communications directed to them.

7.9.0 E-Mail Communication

7.9.1 Employees are required to check their email on and during their scheduled days of work, and are required to respond to their emails in a timely manner. A timely manner is considered within 48 hours.

8.0 INSUBORDINATION

8.0.1 Employees will promptly obey any lawful order and appropriate order from a higher ranking supervisor regardless of whether the employee is on duty or off duty. All orders given by any member of the Department shall be given in clear and understandable language, in a civil tone, and directly related to official Departmental business.

The term "lawful order" shall be considered as any order in keeping with the performance of duty prescribed by law or department rules and regulations, policies and procedures or for the preservation of good order, efficiency and proper discipline, and does not conflict with department rules and regulations and policy.

Employees who are given an otherwise proper order, which is in conflict with a previous order, rule or other directive, shall respectfully inform the supervisor issuing the order of the conflict. If the supervisor does not alter or retract the conflicting order, that order shall stand. Under these circumstances, the responsibility for the conflict will be upon the supervisor. Employees will obey the conflicting order and will not be held responsible for disobedience of the order, rule, regulation or directive previously issued.

8.1.0 Unlawful Orders

Employees shall not obey any order that they know, or should know, would require them to commit an unlawful act. If in doubt as to the legality of an order, employees shall either request clarification of the order or confer with higher authority in an acceptable professional manner and as soon as possible.

8.2.0 Divulgence of Departmental Business

8.2.1 Employees shall not discuss operational or official business of the department that is of a confidential nature with anyone outside the department without the permission of a supervisor. Data systems, computers, all data stored in DCI, LEADS, NLETS, NCIC or any other interfaced system shall be restricted to the use of agencies duly authorized by the department. This information shall not be sold, transmitted or disseminated to any other agency or person unless duly authorized by the department with the permission of a Lieutenant of Police or above.

8.2.2 For the purposes of this section, all departmental documents, orders and investigations are to be considered confidential unless otherwise directed by a superior. This section does not apply to orders that are of such a nature that they must be communicated to others.

8.2.3 Employees shall not discuss operations and official business of the department, which are of a confidential nature with any employees within the department who are not officially involved with the confidential operation, or business without the permission of a supervisor.

8.2.4 Employees shall not address public gatherings, appear on radio or television, prepare any articles for publication, act as correspondent to a paper or periodical release, or divulge investigative information or any matters of the department while holding themselves out as representing the department in such matters, without proper authority. Officers may lecture on subjects related to police work and other related subjects only with the prior written approval of the Chief of Police or his designee.

Release of information to media personnel shall be done in compliance with State Law and the department's Written Directives and Operating Procedures.

8.2.5 Employees shall not discuss or divulge any information regarding any pending Internal Administrative Investigation with anyone other than the supervisor conducting the investigation.

8.3.0 Public Criticism of the Department

Employees shall not publicly criticize the department, its policies or employees, by talking, writing or any expression which: (a) is defamatory; (b) is obscene; (c) is unlawful; or (d) tends to impair the operation or efficiency of the department, interferes with the ability of supervisors to maintain discipline, or is made with reckless disregard for truth of falsity. To this end, employees shall make maximum utilization of the department's grievance procedures.

8.4.0 Notices

Employees shall not destroy or deface any official written notice relating to police business. The posting or circulation of any notices of a nonofficial derogatory character relating to any person, group or police activity is prohibited.

8.5.0 Truthfulness and Cooperation

Employees shall not testify, make reports or conduct police business in a less than truthful or cooperative manner. Employees are prohibited from intentionally making any materially false statements in connection with their performance of official duties. Employees are prohibited from intentionally making false statements during the course of an internal administrative investigation or any supervisory investigation of an external or internal complaint or violation.

Employees are prohibited from intentionally failing to disclose information in connection with the performance of official duties when the purpose of such nondisclosure is to conceal suitability or non-suitability for hire, for duty, or to gain improper personal advantage. Any material falsification of, or any intentional failure to disclose, information relevant to suitability or fitness for police employment that is discovered after an individual is hired may result in the termination of that employee. Any violation of this rule may be grounds for termination.

8.6.0 Withholding Information on Criminal Activity

Employees shall report verbally by the end of their tour of duty, and shall file a written report within twenty-four hours to their immediate or other appropriate supervisor containing any information or reasonable suspicion which the employee may have concerning a crime, rule violation or unlawful conduct which has taken or is taking place; and shall include documentation to substantiate the report. Off-duty employees shall report this information immediately to the Watch Commander and shall file a written report within twenty-four hours.

8.7.0 Misconduct Known to Departmental Personnel

Employees shall report a fellow employee's violation of a law, rule or regulation, policy or procedure, general or special order. All such violations shall be reported in writing or verbally within twenty-four hours to an on-duty supervisor in the department with a copy forwarded to the appropriate Division Commander. Any violation on the part of the Chief of Police shall be reported to the City Manager of the City of Fayetteville. An employee is protected from retaliation only if the employee brings the alleged unlawful activity, policy, or practice to the attention of FPD and provides the FPD with a reasonable opportunity to investigate and correct the alleged unlawful activity.

FPD will not retaliate against employees who disclose to a supervisor any activity, policy, or practice of FPD that the employee reasonably believes is in violation of a law, or a rule, or regulation mandated pursuant to law or is in violation of a clear mandate of public policy concerning the health, safety, welfare, or protection of the environment.

8.8.0 Cooperation with Police Investigations

Employees shall cooperate fully with a police investigation. Such cooperation shall be limited to actions that do not violate the employee's Federal or State constitutional rights. Any employee, who is the

subject of an investigation by an enforcement agency other than the Fayetteville Police Department or has knowledge of any investigation concerning the Fayetteville Police Department, shall immediately report in writing to the Chief of Police or his designee, and the Police Legal Advisor, the general reason known to him or her for the investigation. Upon the order of the Chief of Police or his designee, employees who are involved in an administrative investigation, and who have been guaranteed that no statement they are ordered to make will be used against them in a criminal prosecution, shall:

(a) Cooperate fully with investigative officers by truthfully and fully answering all questions asked of them that are specifically directed and narrowly related to their official duties or off- duty conduct and the charge that is being investigated.

(b) Provide information, documents and relevant signed statements.

(c) Submit to polygraph/CVSA examinations when the questions are specifically directed and narrowly related to a particular investigation being conducted in the department. Civilian complainants and witnesses may be tested to aid in determining the veracity of their allegation or credibility, as a material witness but not as pre-requisite to requiring an employee to submit to an exam.

(d) Submit to any medical, psychological, ballistics, urinalysis, chemical, or other tests as well as participate in photographs, line-ups, or fingerprinting.

(e) Submit a financial disclosure and responsibility statement, if required, in connection with a complaint in which this information is material to the investigation. Financial statements are to be confidentially maintained and used by the Chief of Police or his designee, and shall not be made available to the public.

(f) Be subject to these rules regardless of the status of employment they are placed in during the investigation. Failure to comply shall result in disciplinary action to include dismissal.

8.9.0 Vexatious / Unnecessary Complaints and/or Rumors

8.9.1 Employees shall not make a vexatious or unnecessary complaint against a fellow employee of the City.

8.9.2 Employees shall not start, spread, or create any vexatious or unnecessary rumors against a fellow employee of the City.

9.0 PAYMENT OF DEBTS AND LEGAL LIABILITIES

9.0.1 Employees shall not become indebted to any person the employee knows or reasonably should know is involved in criminal activity, or whose activities involve frequent contact with persons charged with, convicted of, or engaged in criminal, felonious or serious misdemeanor activity.

Isolated incidents involving financial irresponsibility will not be grounds for disciplinary action except in unusually severe cases; however, repeated incidents of financial difficulty may be cause for disciplinary action. Filing for voluntary bankruptcy petition shall not be cause for discipline.

10.0 ABUSE OF POSITION

10.0.1 Employees shall not use their official position, identification or departmental uniform for:

(a) Personal or financial or material gain;
(b) Obtaining privileges not otherwise available to them except in the performance of their duty;
(c) Avoiding the consequences of illegal acts,
(d) Personal benefit from officers of lesser rank, whether in the same chain of command or not.

10.0.2 Employees shall not lend, trade, sell, duplicate, photograph or otherwise reproduce their official identification cards or badges without the prior written approval of the Chief of Police.

10.0.3 Employees shall not permit the use of their names, photographs or official titles that identify them as

police officers or as employees of the Police Department in connection with testimonials or advertisements of any commodity or commercial enterprise without the prior written approval of the Chief of Police.

10.0.4 Employees shall not take part, either directly or indirectly in sales promotions, solicitations, fund raising campaigns or similar activities while representing themselves as a police officer or an employee of the Police Department. Nor shall employees authorize others to conduct themselves in a manner that would leave the impression they are representing the Fayetteville Police Department, without the prior written approval of the Chief of Police.

10.0.5 Employees, while on duty or acting in an official capacity, shall not recommend or suggest in any manner, except in the transaction of personal business with family and close friends, the employment or procurement of a particular product, professional service or commercial service (such as practicing attorney, ambulance or towing service, bondsman, mortician, etc.). In cases where such a service is necessary and the person needing the service is unable or unwilling to procure it or request assistance, employees shall proceed in accordance with established departmental procedures.

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

10.0.7 Employees shall not solicit anyone (including any elected or appointed Federal, State, County or City official) to intercede with the Chief of Police, Mayor, legislative body, City Manager or any elected or appointed city official with regard to promotion, departmental assignment, internal investigation, or disposition of pending charges in a disciplinary proceeding.

Nothing in this section shall be applicable to licensed attorneys at law of the State of North Carolina, when representing an employee of the department and where no conflict of interest is present.

10.0.8 Employees shall not buy, receive or sell anything of value from or to any complainant, suspect, witness, defendant, prisoner, or other person involved in any case which has come to the attention of, or which arose out of, department employment, except as may be specifically authorized by the Chief ofPolice.

10.1.0 <u>Gifts and Gratuities</u>

10.1.1 Employees shall not accept from any person, business or organization any gift (including money, tangible or intangible personal property, food, beverage, loan, promise of services or entertainment) that would not be offered if the employee were not employed by the Police Department. This section does not prohibit discounts offered by retail merchants, places of entertainment or similar commercial enterprises where the discount is offered to all officers or employees of other units of government.

10.1.2 Employees shall bear in mind at all times that their official duties are not subject to compromise, and that the donor of such gifts, presents and gratuities, in all probability, may come to expect or seek preferential treatment, whether in the nature of extra police service or exemption from police enforcement measures. This rule applies to situations in which the acceptance of anything of value may serve to influence or create the impression of influencing any employee in the performance of their duties. Acceptance of free or discounted meals or acceptance of free legal service from attorneys may be interpreted as violating this rule, depending on the circumstances.

10.1.3 Employees are not allowed to sign a bill or other document for the express purpose of receiving a discount (e.g., signing a meal receipt to obtain a free or discounted meal).

10.1.4 Employees may take advantage of sales or discounts offered to the general public. However, employees shall not order, purchase or otherwise acquire any goods, merchandise or service in the name of the City of Fayetteville, or in the name of the Fayetteville Police Department, when such is for personal gain.

10.1.5 Prior to solicitation or acceptance, employees are to resolve any questions regarding the application of these rules to any circumstances, by acquiring a written opinion from the Police Legal Advisor. In the absence of the Police Legal Advisor, or when the Police Legal Advisor is personally involved, the opinion shall be acquired from the City Attorney.

10.1.6 Any unauthorized gift, gratuity, loan, fee or reward or other property falling into any of these categories which comes into the possession of any employee shall be forwarded through the Chain of Command to the Office of the Chief of Police, together with a written report explaining the circumstances.

10.2.0 Fees and Rewards

Employees are not to accept any fee or reward or other consideration for services rendered in the line of duty to the community or to any person, business or agency except lawful salary and that what may be authorized by law and approved by the Chief of Police.

10.3.0 Contributions

While on duty or on City property, no employee may collect or receive any money or other thing of value, or circulate subscription papers, sell tickets of any kind, or collect money from any person for any purpose without the permission of their supervisor.

10.4.0 Settlement of Duty-Incurred Expenses or Damages:

No employee shall accept from any person money or other compensation for damages sustained or expenses incurred in the line of duty, without first notifying the Chief of Police, in writing, through the Chain of Command, except for a court award gained for personal damage to the property of an officer and through the Clerk of Court's office.

11.0 LABOR DISPUTES

11.0.1 Officers in uniform shall not enter into any buildings, structures or premises where persons have been placed to indicate a labor dispute in progress, except when necessary in the performance of duty. Strict impartiality shall be followed and gratuities, food or drink shall not be accepted from a party participating in the dispute. Off-duty employment is strictly prohibited in places where labor disputes are in progress.

11.1.0 Labor Activity

11.1.1 Employees shall have the right to join labor organizations, but nothing shall compel the department to recognize or to engage in collective bargaining with any such labor organizations except as provided by law.

11.1.2 Employees shall not engage in any strike. "Strike" includes the concerted failure to report for duty, willful absence from one's position, unauthorized holidays, sickness unsubstantiated by a physician's statement, the stoppage of work or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment for the purposes of inducing, influencing or coercing a change in conditions, compensation, rights, privileges or obligations of employment.

12.0 PROFESSIONAL IMAGE

12.1.0 Conduct

Employees shall work diligently and with a bearing consistent with the image of a professional police officer or police department representative. Prohibited conduct shall include, but not be limited to, the following:

(a) Unnecessary shouting or using obscene language, gestures or action.
(b) Tardiness in reporting for work.
(c) Sleeping, loafing or being idle while on duty.
(d) Taking excessively long meals or refreshment breaks.
(e) Failure to respond promptly to a request for police service.
(f) Failure to return promptly to service after handling a call for police service.

12.2.0 Courtesy

Employees shall be courteous and tactful in the performance of their duties and shall promptly respond

to all requests for assistance in accordance with department procedures. Employees shall control their tempers, and exercise the utmost patience and discretion, and shall not engage in argumentative discussions even in the face of extreme provocation. In performing their duties, employees shall not express any prejudice concerning race, religion, natural origin, sex or other personal characteristic. Employees shall not use profane or intentionally insulting language. Employees shall promptly (usually within twenty-four hours) return phone calls from citizens and shall keep a record of unsuccessful efforts to return phone calls.

12.3.0 Furnishing Identification

12.3.1 All employees, both full-time and part-time, will be issued police department identification that includes a photograph of the employee.

12.3.2 A department employee shall furnish their name and display their employee identification in a respectful manner to any person requesting that information when they are on duty, or are identifying themselves in their official capacity. This does not apply when the withholding of such information is necessary for the performance of police duties or is authorized by proper authority.

12.3.3 Officers shall carry their identification card on their persons when in plainclothes and their weapon is concealed. When in plainclothes and the weapon is exposed, officers shall wear their badge exposed. Officers who are off-duty and armed shall carry their identification card. When impractical or dangerous to their safety or to an investigation, officers are not required to carry their identification card.

12.4.0 Absence from Work

12.4.1 An employee shall notify their supervisor or the supervisor on duty, no less than one-half hour before the actual reporting time, when they become ill and cannot report for work, or if there is any change in their physical or mental health that could disqualify them from employment by the department. The employee must personally make this notification unless the employee is incapacitated due to illness, or it is an emergency.

12.4.2 The use of sick leave without a legitimate reason, or the furnishing of any false information by any employee of this department is prohibited. Employees shall not feign illness or injury, falsely report themselves ill or injured or otherwise deceive or attempt to deceive any official of the department as to the condition of their health. Employees of this department, upon returning to work from sick leave may be required to provide a doctor's note regarding the illness.

12.4.3 Employees claiming physical or mental incapacity caused by or affecting employment may at the request of the Chief of Police or his designee, be periodically interviewed as to the nature and extent of the claimed injury or illness and be required to submit to an examination of the claimed physical or mental incapacity by an individual chosen by the Chief of Police or his designee. The examining party must be licensed by the State of North Carolina to conduct such examinations, and the results shall be accessible to the employee and the Chief of Police. The results of any examination are the sole property of the City of Fayetteville. Failure to honor such a request by the Chief of Police or his designee shall be considered a violation of this rule.

12.5.0 Residency

Employees of this department shall adhere to the current city personnel rules pertaining to residency.

12.6.0 Telephone and Address

Each employee shall maintain an operating telephone. Employees must complete an Employee Biographical Data Form (POL-716) and submit it to their immediate supervisor within twenty-four (24) hours of any changes made to their name, address, or telephone number. The supervisor shall forward the original POL-716 form to the Chief of Police and a copy will also be forwarded to the appropriate Personnel Technician for dissemination. Employee phone numbers and addresses will be kept confidential and will not be disseminated outside the department. Each employee must also contact City Human Resources to update any changes affecting their personal contact information.

12.7.0 Use of Tobacco

Employees, when in uniform, may use tobacco as long as (1) they are not in a formation, (2) they do not have to leave their assignment or post for the sole purpose of doing so, and (3) they are not engaged in traffic direction and control. When they are in direct contact with the public, employees must obtain permission to use tobacco from the public with who they are in direct contact.

All employees are prohibited from using tobacco products in any vehicle or property owned or leased by the City of Fayetteville.

12.8.0 Use of Weapons

Officers shall carry and use weapons only in accordance with law and established department procedures. Officers shall not use or handle weapons in a careless or imprudent manner.

13.0 EQUIPMENT

13.1.0 Operating Vehicles

Employees shall operate official vehicles in a careful and prudent manner, and shall obey all laws and all department orders pertaining to such operation. Loss or suspension of any driving license shall immediately be reported through the Chain of Command to the Chief of Police.

13.2.0 Unauthorized Persons in Police Vehicles

Allowing unauthorized persons to ride in police vehicles shall not be permitted. Unauthorized persons are those who are not police personnel, prisoners or individuals not on official (authorized) police business. Persons may be permitted to ride in an official vehicle with approval of the immediate supervisor.

13.3.0 Damage To or Loss of City Property or Equipment

Employees shall not damage or lose city property. Employees shall immediately file a written report of any damage to or loss of city vehicles and equipment, and shall include all known facts surrounding the cause and nature of the damage or loss. In the event that city property is found damaged and has not been reported, it shall be prima facie evidence that the last person using the property or vehicle was responsible for the damage.

13.4.0 Return of City Property or Equipment

Employees shall return all City equipment when they retire, resign or otherwise leave the department, and shall return any issued police equipment when ordered to do so due to suspension or other absence from work.

13.5.0 Mail and Visitors

Employees shall not:

(a) Use the Fayetteville Police Department's address as their personal mailing address, or have personal mail addressed to them at the department;
(b) Consistently receive personal mail or visitors at the police station; or

13.6.0 Possession or Use of Keys

Employees shall not possess or use any department keys not issued to them, without the prior approval of the Chief of Police or his designee. Supervisors shall be responsible for issuing and collecting keys to respective areas. Officers shall not possess keys or combination to properties that they safeguard.

13.7.0 Use of Personal Vehicles or Equipment

Employees shall not use personally owned vehicles or equipment for official purposes, unless directed or authorized to do so by the Chief of Police, his designee or a supervisor.

13.8.0 Use of City Owned Cellular/Communication Devices

City owned cell phones/communication devices are property of the City of Fayetteville and all content on the phone/communication device could be subject to public records requests.

In accordance with the City of Fayetteville's Employee Relations Manual, employees are not permitted to use city owned cellular phones/communication devices in a personal capacity except in emergencies. City owned cellular phones/communication devices are meant for City of Fayetteville official business only.

No apps or other forms of social media or entertainment are authorized to be uploaded onto the phone/communication device unless it is for official city or departmental business.

Employees are encouraged not to use their personal email address or accounts to create logins on city owned cellular/communication devices.

14.0 LITIGATION

14.1.0 Legal Process Brought By or Against Employees

Employees shall immediately report in writing directly to the Chief of Police or designee, and to thePolice Legal Advisor, any criminal charges or civil processes brought by them, or against them and anycourt actions that are a result of performance or the non-performance of duty, or of which involves the employee's fitness for duty.

Employees shall also notify the Chief of Police or designee and the Police Legal Advisor, in writing,before filing any claims damages or entering into any legal compromise or settlement or agreements regarding events which resulted from the performance or the non-performance of duty.

Employees shall notify the Chief of Police or designee and the Police Legal Advisor of any civil and/or criminal charges or processes.

15.0 ISSUANCE OF CREDENTIALS, SERVICE WEAPON AND BADGE(S)

15.0.1 The issuance of retirement credentials, service weapon, and or the purchase of badges to retiring or departing employees is a privilege offered to an employee who has served the department with both honorable and exemplary service that reflects positively upon the employees career. The determination as to whether or not the issuance of retirement credentials, service weapon and or badge(s) will be authorized is based on established policy set forth in NC Statute § 17F-20; City Council Policy 130.1, and at the discretion of the Chief of Police. The following conditions as determined by the Chief of Police, may preclude an empoyee from the issuance of retirement credentials, service weapon and badge(s):

- Sustained allegations of criminal activity or involvement
- Retirement or resignation in lieu of disciplinary action, including suspension, dismissal, demotion, pending action on officer certification.
- Employees who retire under medical circumstances associated with a diagnoses of mental incapacitation by a psychological or medical physician, WILL NOT be issued or authorized to purchase their Service Weapon. However, they may be authorized the issuance/purchase of their credentials which will be stamped MEDICALLY RETIRED, and their badge at the discretion of the Chief of Police.

15.0.2 As a standard, Police Officers who submit a letter of intent to retire or submit a letter of resignation and wish to request the issuance of credentials, service weapon and or badge(s) will be required to complete police form POL-262, Off Boarding Request. This form should be submitted through your chain of command with your letter of intent to retire or letter of resignation attached. The employee will be notified by the Police Administrative Specialist or designee of the Chief's recommendation of approval or denial.

By Order Of: Kemberle Braden, Chief of Police
Digitally Signed

1.1.0 OBJECTIVE

To establish the territorial jurisdiction of the Fayetteville Police Department; guidelines for responding to mutual aid requests, requesting mutual aid from other local, state and federal law enforcement agencies; and procedures for maintaining liaison with other types of agencies.

1.1.1 JURISDICTION

A. North Carolina General Statute 160A-286 and the Fayetteville City Code, Section 24, establish the jurisdiction of Fayetteville police officers within the corporate city limits, and one mile beyond the corporate city limits and upon City owned or leased real property, wherever located.

1. Concurrent Jurisdiction - A parcel of property upon which the Fayetteville Police Department and another law enforcement agency both have full jurisdiction.

2. Exclusive Jurisdiction - A parcel of property upon which jurisdiction is reserved by one law enforcement agency or group of agencies (i.e. federal officers on certain tracts of federal land).

B. Official Map

The department will maintain an official map to ensure that all areas, including new annexations, are shown within the geographical boundaries of the City of Fayetteville.

The Crime Analysts will maintain the department's official map. The map will indicate up to date boundaries of the jurisdiction as well as the boundaries of each service zone.

The map will be checked at least twice a year for accuracy. The Engineering Department will be contacted for information regarding any new streets within the City limits. All areas annexed into the City will be checked also.

The official City map will be located in police shares in the policy library and resources folder and also in PowerDMS.

1.1.2 JURISDICTION ARRANGEMENTS

A. Federal Law Enforcement Agencies

Real property that is leased by the U.S. Government within the corporate limits of Fayetteville is subject to concurrent jurisdiction by the Fayetteville Police Department and federal officers. Most parcels of post office property fall into this category.

Real property that is owned by the U.S. Government within the corporate limits of Fayetteville is subject to exclusive jurisdiction of federal officers. A federal agency may request specific assistance from a Fayetteville Police Officer on such property, at which time; the jurisdiction becomes concurrent until the assistance is no longer appropriate. (i.e. the Federal Courthouse and the Internal Revenue Service Center).

Officers should verify the controlling jurisdiction prior to taking police action. Such verification can often be made through the manager of the property. If doubt remains, the U.S. Marshall's Office should be contacted to clarify the question of concurrent or exclusive jurisdiction on any specific parcel of U.S. Government property. The Police Attorney can also provide assistance in this matter.

B. State Law Enforcement Agencies

The Fayetteville Police Department has concurrent jurisdiction with state law enforcement officers within the corporate city limits.

The Chief of Police may enter into an agreement with state police agencies that specifies responsibility for the preliminary investigation of certain offenses on parcels of property under the direct control of those agencies.

C. County Law Enforcement Agencies

The Fayetteville Police Department has concurrent jurisdiction with Cumberland County law enforcement officers within the corporate city limits.

1.1.3 MUTUAL AID

A. North Carolina General Statute 160A-288 authorizes law enforcement agencies to provide temporary assistance to another agency while enforcing the laws of North Carolina.

B. The department may fulfill requests for mutual aid, as long as the request does not significantly impact the delivery of police services to the citizens of Fayetteville. This response may include personnel, vehicles, radios and/or other police services. In addition, the department will maintain effective channels of communication with other organizations sharing mutual interests.

C. Supervisors receiving a mutual aid requests from another law enforcement agency will immediately notify the Chief of Police, who will evaluate the request. The request must be made in writing by the Chief Executive Officer of the requesting agency, (DCI message will satisfy this request). The only exception to this procedure, within City or County limits, will be an emergency request requiring immediate response to prevent loss of life or serious injury. All notifications will then be made as soon as practical.

D. Only the Fayetteville Chief of Police or their designee will approve mutual aid requests and order a Fayetteville Police response. In the event a designee (Watch Commander) approves a mutual aid request, the Chief of Police will immediately be notified.

E. Mutual Aid Requests by the Fayetteville Police Department will be made by the Chief of Police or their designee, pursuant to NCGS 160A-288.

F. Officers assigned to another agency under mutual aid provisions will be subject to lawful operational command of supervisors of the requesting agency. Personnel and administrative control, including compensation for the officers, will be retained by the lending agency. Officers will be entitled to the full workmen's compensation benefits during their assignment to the requesting agency.

G. Police Officers assigned to other law enforcement agencies under mutual aid provisions will have the same jurisdiction, powers, rights and immunities as officers of that jurisdiction.

H. The Fayetteville Police Department maintains mutual aid frequencies between neighboring law enforcement agencies; see the Operating Procedure 3.04 entitled Radio Communications.

1.1.4 REQUESTS FOR COOPERATIVE ASSISTANCE

The Fayetteville Police Department may receive requests from other jurisdictions for assistance within FPD's jurisdiction in reference to homicides, robberies, aggravated assaults, violent criminal apprehension and other offenses that have occurred in their jurisdiction that require resources and assistance from the Fayetteville Police Department Investigative Bureau and/or Patrol Bureau.

If the requesting agency's officers are to participate directly in law enforcement operations within Fayetteville then the Mutual Aid protocol listed in 1.1.3 will be followed as well.

A. Upon contact from an outside agency the individual notified will gather the following information:

1. Agency Name
2. Point of Contact and phone number
3. A detailed briefing on the request for assistance and what resources are being requested from the department including, but not limited to; personnel, arrest, surveillance, interviews, search warrants, video, and assistance in locating witnesses or victims.
4. If persons are involved, the exact nature of their involvement (victim, witness, suspect, other) and how many persons are involved.
5. The estimated duration of the assistance requested which may change based on investigative needs.

B. The person receiving this information will immediately contact their supervisor via phone or in person and provide the details of the request.

C. The supervisor receiving this information will immediately contact the appropriate Investigative Lieutenant based upon type of investigation and relay the listed information. The Unit Lieutenant will notify the appropriate Investigative Bureau Captain via phone. All notifications will be immediate with all relevant information gathered and known at the time.

D. Resource allocation will be based upon type of investigation and approved by the appropriate Lieutenant with prior notification to the appropriate Division Captain, including the use of CIC, ERT and patrol or other resources needed.

E. Assistance provided will be documented in the daily activity e-mail to the appropriate chain of command.

1.1.5 FEDERAL LAW ENFORCEMENT ASSISTANCE

A. The Fayetteville Police Department has a close working relationship with Federal Law Enforcement, including military police agencies. There is no formal criteria that must be met before requesting federal law enforcement assistance. Supervisors may contact the appropriate agency depending on the type of federal violation.

B. The Chief of Police must approve requests by federal agencies for law enforcement assistance outside the Fayetteville Police Department jurisdiction.

1.1.6 EMERGENCY DISASTER ASSISTANCE

A. In the event of unusual occurrences that require non-law enforcement assistance beyond the capabilities of City resources, the Cumberland County Emergency Services will be contacted, which will serve as coordinator with all assisting agencies to include local, state and federal agencies.

B. Agencies available through the Cumberland County Emergency Services include:

1. Federal Aviation Agency (Civil Air Patrol)
2. Federal Communication Commission
3. National Transportation Safety Board
4. Department of Agriculture
5. Department of Human Resources
6. American National Red Cross

C. The assisting federal agency will maintain liaison with local agencies that will be able to provide services and equipment.

1.1.7 STATE OF EMERGENCY

A. In the event the Mayor of Fayetteville issues a proclamation declaring a state of emergency, the Mayor may request the assistance of the North Carolina National Guard through the Office of the Governor.

B. Further state assistance may be requested by the Chief of Police, with the assistance of the Cumberland County Emergency Services.

1.1.8 RESPONSE TO COLLEGE AND UNIVERSITY LAW ENFORCEMENT AGENCIES

A. The Fayetteville Police Department will respond to mutual aid requests from local colleges and universities within the guidelines of Mutual Aid Agreements.

B. Before police assistance is provided to any college or university law enforcement agency, it must be requested in writing by the College Chancellor or the Chief Executive Officer of the college law enforcement agency. DCI message, if possible, will satisfy this requirement.

C. Only the Police Chief or their designee will approve mutual aid requests from college or university law enforcement agencies and order a Fayetteville Police response. In the event a designee (Watch Commander) approves a mutual aid request, the Chief of Police will be notified immediately.

D. Upon receiving the mutual aid request, a Fayetteville Police Supervisor will respond to evaluate the request. If the supervisor deems mutual aid is necessary, designated officers will respond.

E. The supervisor will inform the college or university law enforcement agency ranking supervisor that Fayetteville Police Officers are present to support legal enforcement actions taken by the college or university police agency. Fayetteville Police Officers can assist with enforcing all state laws but will not enforce any campus rules or regulations. Fayetteville Police Officers will act only in supporting the campus police with their enforcement duties.

F. Supervisors will complete an after action report detailing all actions taken by responding personnel. When possible, all arrests will be made by the campus law enforcement officers. Fayetteville officers will complete follow-up reports of their actions that will support any arrest they may have assisted with.

G. The Fayetteville Police Department has primary responsibility for investigating the following:

1. Part-I offenses, homicide and forcible rape
2. Part-II offenses, prostitution and commercial vice and all offenses in which the suspect, victim or both are juveniles under the age of seventeen (17).

H. The Chancellor or the campus law enforcement Chief may request assistance from the Fayetteville Police to investigate any offense that presents unusual complexity. The Fayetteville Police Chief will have final approval of all mutual aid assistance rendered to college or university law enforcement agencies.

1.1.9 REFERRALS

A. In the course of police activities, officers may encounter juveniles or adults in need of services that are beyond the scope and resources of the department. Every effort will be made to assist these persons within the limits of time and available resources.

B. After all reasonable department avenues have been exhausted; employees should refer these persons to the Cumberland County Information and Referral Service. This agency is a full-time clearing house for all area agencies.

By Order Of: Gina V. Hawkins
Digitally Signed

	Fayetteville Police Department **WRITTEN DIRECTIVE**	**Number** **1.2**
	Subject **DEPARTMENT GOALS AND OBJECTIVES**	**Effective Date** 09 February 2024
	Revised 10-05-87, 06-30-94, 02-25-02, 01-22-14, 02-07-14, 06-07-18	**Page** 1 of 1
	CALEA Standard 15.2.1	

1.2.0 OBJECTIVE

To establish guidelines for preparing and submitting annual department goals and objectives.

1.2.1 DEPARTMENT GOALS AND OBJECTIVES

A. Preparation

1. The Chief of Police will develop departmental goals consistent with the goals of the City of Fayetteville and will be representative of the Chief's vision for the entire Police Department.

2. Individual Bureau or Division goals and objectives will be prepared annually by the Division/District/Bureau Commanders as specified by the Chief of Police.

3. Individual Bureau or Division goals and objectives will be consistent with the City goals as established by City Council as well as the Departmental Goals established by the Chief of Police.

4. Designated Division/District/Bureau Commanders are responsible for preparing a memorandum identifying the current/upcoming year's goals and objectives for their assigned area.

5. Division/District/Bureau Commanders responsible for preparing the goals and objectives will seek input from all levels of their command and will distribute a written summary of approved goals and objectives to all agency employees.

B. Annual Reporting/Documenting

1. At the end of each calendar year, designated Division/District/Bureau Commanders will prepare a memorandum detailing the progress the bureau/division has made toward attaining or accomplishing their goals and objectives.

2. When reporting on the status of goals and objectives, the designated Division/District/Bureau Commander will indicate whether each goal or objective was:

    a. Achieved
    b. Not Achieved
    c. Partially Achieved
    d. Still in Progress

3. In addition to the status of the goal or objective, the designated Division/District/Bureau Commander will provide a brief justification for the rating given after each status indicator.

4. The annual Goals and Objectives memorandum completed by the designated Division/District/Bureau Commander will also include a list of the new Goals and Objectives for the current/upcoming year.

By Order Of: Kemberle Braden, Chief of Police
DIGITALLY SIGNED

	Fayetteville Police Department **WRITTEN DIRECTIVE**	**Number** **1.3**
	Subject **OATH OF OFFICE**	**Effective Date** 13 August 2020
	Revised 08-11-87, 08-02-97, 02-25-02	**Page** 1 of 1

1.3.0 OBJECTIVE

To establish a procedure that requires each new officer of the Fayetteville Police Department to take an Oath of Office prior to assuming sworn status.

1.3.1 PROCEDURE

A. Upon successfully completing an accredited police academy and being certified as a Police Officer by the State of North Carolina or in the case of a Lateral Transfer, being accepted and certified, and prior to assuming sworn status, the police officer candidate will be required to take an Oath of Office.

B. The officer will take an oath to uphold the Constitution of the United States and the Constitution of the State of North Carolina.

C. The oath will be administered by a judicial official.

D. The Oath of Office Form, maintained by the Training and Education Center, will be used to administer the Oath. The officer and the judicial official administering the Oath will sign the form.

E. The completed Oath of Office Form will become a permanent record in the officer's personnel file.

1.3.2 OATH OF OFFICE

I, (Employee Name) do solemnly swear that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are, or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the constitution of the United States; that I will be alert and vigilant to enforce the criminal laws of this state; that I will not be influenced in any manner on account of personal bias or prejudice; and that I will faithfully, and impartially execute the duties of my office as a law enforcement officer according to the best of my skill, abilities, and judgment, so help me God.

By Order Of: Gina V. Hawkins
Digitally Signed

1.4.0 OBJECTIVE

To establish departmental structure and organization.

1.4.1 ORGANIZATION STRUCTURE

A. The organizational structure of the Fayetteville Police Department consists of three Bureaus and the Office of the Chief. Each Bureau is supervised by an Assistant Chief who reports directly to the Chief of Police. The Bureaus are comprised of Divisions or Patrol Districts, and within the Divisions/Districts are specialized units, teams or squads. The organizational chart depicts the organization and shows the relationship of each component within the entire organization.

B. The organizational structure further delineates responsibilities, functions, and duties of each component within the organization.

C. The organizational chart will be reviewed and revised as needed. The Accreditation Manager will be responsible for maintaining up-to-date internal department organizational charts and maintains the master external organizational chart.

1.4.2 OFFICE OF THE CHIEF OF POLICE

A. The Chief of Police is responsible for the overall management and supervision of the department. The Chief of Police reports directly to the City Manager.

B. The Chief of Police exercises direct supervision over the Assistant Chiefs, Chief of Staff, 911 Communications Manager and the Office of Professional Standards (OPS) Commander. The Office of the Chief consists of the Office of Professional Standards, FBI Joint Terrorism Task Force, Public Information Office/Crimestoppers and the Crime Information Center.

C. The Communications Division is commanded by the Communications Division Manager and is responsible for dispatching police and fire calls and processing 9-1-1 calls.

D. Employees who have job tasks related to Research, Planning and Development may be assigned to any of the supervisors who work directly for the Chief of Police.

1.4.3 LEGAL OFFICE

The Police Legal Advisors will serve as an advisor to the Chief of Police. The Police Legal Advisors are responsible for providing legal assistance and counsel to the Chief of Police in the formulation of policies, procedures, ordinances, revisions of rules, legal updates, and the administration of discipline. The Police Attorney reports to the City Attorney's Office.

1.4.4 SPECIALIZED SERVICES BUREAU

A. The Specialized Services Bureau Assistant Chief of Police is responsible for the management of the Specialized Services Division, the Training & Professional Development Unit, the Traffic Support Unit, Tactical Response Unit, Administrative Services Division, School Resource Officers, Technical Services, and the Community Resource Unit.

B. The Specialized Services Bureau is commanded by a Major who reports directly to one of the Assistant Chief's of Police. The Major assigned to the Specialized Services Bureau is responsible for the Training & Professional Development Unit, the Community Resource Unit, the Traffic Support Unit, Tactical Response Unit, and the Technical Services Bureau.

C. The Specialized Services Division is commanded by a Police Captain. The Captain is responsible for providing specialized services support to the bureau.

1.4.5 FIELD OPERATIONS BUREAU

A. The Field Operations Bureau, which is under the command of an Assistant Chief of Police, is responsible for the management of the Patrol Operations Division.

B. The Patrol Operations Division is responsible for the delivery of police services on a 24-hour basis, including problem-solving policing and community-oriented policing concepts, maintaining order, protection of life and property, apprehending violators, responding to citizens' calls for service and the investigation of crimes and accidents. The Patrol Operations Division is commanded by a Police Major.

C. The Patrol Operations Division is comprised of three Patrol Districts, Campbellton, Central, and Cross Creek with each District commanded by a Police Captain. Each Patrol District is responsible for police patrol coverage 24 hours a day. This includes traffic control and enforcement, responding to calls for service, apprehending criminals, and the preliminary investigation of reported crimes. Each patrol district is assigned a Community Empowerment Response Team (CERT).

1.4.6 INVESTIGATIVE BUREAU

A. The Investigative Bureau is commanded by an Assistant Chief of Police, and it comprises two Divisions, the Special Investigations Division and the Major Crimes Division.

B. The Major Crimes and Special Investigation Divisions are commanded by a Major that provides direct supervision to the entire Investigative Bureau.

C. The Major Crimes Division is commanded by a Captain that provides direct supervision for the Homicide Unit, Crimes Against Person Units (CAPERS), Property and Fraud Units, Special Victims Unit, and Electronic Monitoring (EMU). This Division also provides services that are directed toward promoting and supporting multi-agency task forces relating to the investigation and prosecution of various degrees of serious crimes in State and Federal Courts.

D. The Special Investigations Division is commanded by a Captain that provides direct supervision for the Forensics Unit, Gang Unit, Cyber / Cy-FI Crimes, Human Trafficking, and Narcotics Unit. The Special Investigations Division is tasked with gathering, analyzing and disseminating criminal intelligence information to assist with the department's law enforcement efforts in the community. The unit utilizes a team approach with other bureaus to primarily focus on criminal activities revolving around narcotics, vice and police-regulated businesses.

1.4.7 REFERENCES

CALEA Law Enforcement Standards	11.1.1
CALEA Communications Standards	N/A
CALEA Training Academy Standards	2.1.1, 2.1.2

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

1.5.0 OBJECTIVE

To establish the command authority and responsibility within the Fayetteville Police Department.

1.5.1 UNITY OF COMMAND

A. Rule and Regulation 2.3.0 (Command Authority) covers command authority under extreme emergencies. Each employee will be responsible or accountable to one immediate supervisor, except when working on a special assignment, incident, extra duty or temporarily assigned to another unit or squad. In these cases, the employee will be accountable to the first-line supervisor/officer in charge of that team, assignment, event, duty or incident.

B. Similarly, each organizational component will be under the direct command of only one supervisor, as shown on the department organization chart.

C. There may be times when a supervisor has to give a lawful command to an employee or component who is outside his/her chain of command. In these cases, the order will be obeyed. The responsibility of all supervisors to take corrective action when necessary is not waived by this section.

1.5.2 SPAN OF CONTROL

A. To achieve effective direction, coordination and control, the number of employees under immediate control of a supervisor will not be excessive. The exact number of employees supervised by any one supervisor will be determined by the nature of the job being performed, the complexity of the task, the size of the area to be supervised, the experience level of the employees and any other factor having a bearing on the work environment.

B. Each commanding officer will continually review the number of employees being supervised by those under his/her command to ensure that appropriate limits do not exceed a 12-1 ratio.

1.5.3 RESPONSIBILITY, AUTHORITY AND DELEGATION

A. The department is an organization with assigned responsibility and accountability throughout the rank structure. The command structure set forth by the Chief of Police establishes authority for employees commensurate with their responsibility.

B. Command officers are given full authority to make decisions necessary for the effective execution of their responsibilities. All employees are accountable for the use of delegated authority, as well as the failure to use that authority.

C. Employees will perform all duties as required by law and competent authority or their job description.

D. Officers assigned to specialized duties are not relieved of the responsibility for taking action in the matter of any violation of the law or rules of the department coming to their attention, unless specifically authorized by competent authority, order, or procedure.

1.5.4 AUTHORITY AND RESPONSIBILITY AT CRIME SCENE

A. Operating Procedure 3.1, Patrol Operations, covers general responsibilities at crime scenes. For routine investigations or operations involving employees from more than one division, the person in command will be the on-duty Lieutenant or designee. This person will be responsible for traffic control, crime scene protection, evidence collection, investigative process, prisoner security and media relations.

B. When the incident is of a lesser magnitude and does not require the presence of command authority, the on-duty field supervisor will be in charge. The field supervisor will remain in charge of the scene until control of the scene is delegated to another command.

C. If a person of higher rank from another division elects to assume command and makes that decision clearly known, he/she shall be responsible for the subsequent completion of the incident. This directive does not apply to the handling of special tactical problems or other directives which specify procedures in unusual circumstances.

D. When it is necessary to call for immediate follow-up investigation of an incident due to the nature or seriousness of that incident, the assigned follow-up detective will be given sufficient control of the investigation to facilitate its completion, not inconsistent with the command authority vested in the Watch Commander.

1.5.5 ACCOUNTABILITY

To achieve effective direction, coordination and control, supervisory personnel will be accountable for the performance of employees under their immediate supervision and control. This directive applies to each level of supervision within the agency.

1.5.6 ORDERS

A. Employees will promptly obey any lawful order given by a superior, including any order relayed from a supervisor by an employee of the same or lesser rank. See Rule and Regulation 8.0.1 Insubordination.

B. Employees receiving conflicting orders should advise the person issuing the conflicting order of the previous instructions. The responsibility for countermanding the first order rests with the person issuing the second order. The employee will obey the second order. See Rule and Regulation 8.0.1 Insubordination.

C. Employees will not knowingly issue any order that is in violation of any law, ordinance or department rule. No employee will be required to obey any unlawful order. The responsibility to refuse to obey any unlawful order rests with the individual employee and will require justification of action. Employees receiving any unlawful or unjust order will report the incident in writing, to the next higher level of authority, through channels, as soon as possible. See Rule and Regulation 8.1.0 Unlawful Orders.

1.5.7 DEPARTMENT STAFF MEETINGS

A. The Chief of Police will meet with the Command Staff and other personnel as he/she deems necessary.

B. The Chief of Police or his/her designee will conduct a weekly staff meeting with the department's Executive Staff or when necessary to discuss matters of department concern.

C. The Chief of Police or his/her designee will also attend City department head staff conferences held by the City Manager or other City officials when requested.

D. Bureau/Division Captains will conduct regular staff meetings with their respective supervisors. Operational concerns and personnel matters will be discussed and each participant will be allowed the opportunity to provide input.

E. If not of a confidential nature, the information exchanged during staff meetings should be made available to other department personnel as necessary.

F. On occasions, other levels of staff and visitors may attend any staff meeting when deemed necessary by the Chief of Police.

1.5.8 REFERENCES

OP 3.1 Patrol Operations

Fayetteville Police Department Rules and Regulations

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

	Fayetteville Police Department **WRITTEN DIRECTIVE**	**Number** **1.6**
	Subject **LIMITS OF AUTHORITY**	**Effective Date** 22 May 2026
	Revised 05-12-88, 02-25-02, 08-04-20	**Page** 1 of 2
	CALEA Standard 1.2.1, 1.2.6, 1.2.7	

1.6.0 OBJECTIVE

To define mandated authority vested in sworn officers, the proper use of discretion and use of alternatives to arrest and enforcement of laws and ordinances.

1.6.1 AUTHORITY

North Carolina General Statute 160A-285 authorizes municipal police officers to enforce all state laws, city ordinances or regulations, and to serve criminal and civil processes that may be directed to them by the General Court of Justice.

1.6.2 DISCRETIONARY JUDGMENT

A. All officers will apply professional and impartial discretionary judgment in situations involving investigative and arrest procedures.

B. In addition to statutory requirements, legal precedent may be considered when exercising discretion, except when situations and circumstances are governed by the Operating Procedure 9.1 Collision Reporting and Investigation and Operating Procedure 9.05 entitled Traffic Law Enforcement.

C. The use of discretion will be substantially limited in felony situations. A greater latitude of discretionary judgment will be permitted in the investigation of misdemeanor and local ordinance offenses. Each officer will be held strictly accountable for his/her actions in these circumstances.

1.6.3 ALTERNATIVES TO PHYSICAL ARRESTS

A. Officers may use several alternatives to the physical arrest of violators. These alternatives include the issuance of citations or the use of criminal summons in certain non-violent criminal situations. Other less serious violations may allow the use of written or verbal warnings.

B. Nothing in this written directive is to be construed as permission to disregard any state law, city ordinance or rule or regulation of the Fayetteville Police Department.

1.6.4 SWORN PERSONNEL AUTHORITY AND RESPONSIBILITIES

A. The Fayetteville Police Department maintains one category of sworn personnel, identified as Police Officers, to include all ranks within the sworn chain of command.

B. All sworn personnel are vested with the legal authority granted by the laws of the State of North Carolina, including but not limited to North Carolina General Statutes, and are authorized to enforce all applicable federal, state, and local laws and ordinances.

C. Sworn personnel are responsible for, at a minimum:

a. Enforcing laws and ordinances within the Department's jurisdiction;
b. Protecting life and property;
c. Preserving public peace and maintaining order;
d. Preventing and investigating criminal activity;
e. Apprehending offenders and participating in the judicial process;
f. Exercising lawful authority in a fair, impartial, and constitutional manner;

g. Performing duties in accordance with Department written directives, rules and regulations, and applicable laws.

1.6.5 REFERENCES

OP 9.1	Collision Reporting and Investigation
OP 9.5	Traffic Law Enforcement
N.C.G.S. 160A-285	Powers and duties of policemen

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

	Fayetteville Police Department **WRITTEN DIRECTIVE**	**Number** **1.7**
	Subject **PERSONNEL ALLOCATION / DISTRIBUTION**	**Effective Date** 08 April 2025
	Revised 05-12-88, 04-20-93, 08-08-95, 08-10-99, 02-25-02, 02-20-08, 8-9-18, 09-19-19, 04-29-24	**Page** 1 of 1
	CALEA Standard 21.2.4	

1.7.0 OBJECTIVE

To establish guidelines for assigning individual workloads among and within organizational components.

1.7.1 WORKLOAD ASSESSMENT

A. Workload assessments are not necessarily scientific determinations of needs for service but rather involve the analysis of incidents and factors to ascertain the number of personnel necessary to complete a specific number of tasks or to fulfill certain objectives.

B. Basing allocation of personnel on workload demands can have a significant influence on the efficiency and effectiveness of the department. This process also permits the department to determine the overall number of personnel required to meet its needs and fulfill its objectives. The Fayetteville Police Department will attempt to prevent over or under staffing by ensuring that the personnel strength of an organizational component is consistent with workload demands. Factors influencing workload demands include:

1. Number of tasks and their complexity
2. Location
3. Time required for completion

C. The Fayetteville Police Department's service area is divided into three primary response districts. The districts are identified as Campbellton, Cross Creek, and Central and are monitored for volume of calls for service. Each district represents a percentage of the total calls for service received by the Fayetteville Police Department. The boundaries of a district are defined in a manner that allows for equitable distribution of calls for service and for call assignment to be based on proximity. The allocation process aids the agency in determining the overall number of personnel required to meet the Department's needs and objectives. Personnel allocated to each organizational component shall be distributed and deployed in a manner consistent with workload demands and/or assessments.

D. The Administrative Services Manager, or a designee appointed by the Chief of Police, is responsible for ensuring that a documented workload assessment is conducted for all organizational components at least once every four years, in accordance with CALEA requirements. Bureau commanders are encouraged to conduct periodic assessments of all components in an effort to support increased agency performance and service delivery with available resources. The methodology used to assess workloads should be pertinent to the operation of the component.

E. The department's system for determining the appropriate proportional distribution should take into account incidents, locations and variations in workload. The workload assessment should be documented and include an outline of any calculations required, any source documents, personnel and equipment necessary to accomplish the task. The completed workload assessment will also include recommendations and will be forward to the Chief of Police or the appropriate Assistant Chief of Police for review and approval.

By Order Of: Christopher T. Joyce, Interim Chief of Police
Digitally Signed

	Fayetteville Police Department **WRITTEN DIRECTIVE**	**Number** **1.8**
	Subject **FAIR AND IMPARTIAL POLICING**	**Effective Date** 27 February 2026
	Revised 10-16-01, 02-25-02, 11-15-04, 11-17-07, 04-01-11, 02-27-12, 05-08-12, 05-18-12, 02-15-13, 5-9-14, 5-25-16, 12-21-18, 04-08-24	**Page** 1 of 4
	CALEA Standard 1.2.9, 82.2.1, 82.2.2	

1.8.0 OBJECTIVES

To affirm this department's commitment to unbiased policing and to establish guidelines to prevent biased-based policing. This general order clarifies the circumstances in which race can be used as a factor to establish reasonable suspicion or probable cause and outlines procedures that serve to assure the public that we are providing service and enforcing laws in a fair and equitable manner. The secondary objective is to protect departmental personnel, when they act within the provisions of the law and this order, from unwarranted accusations.

Law enforcement activities that are a result of biased-based policing are not condoned, are unacceptable and will not be tolerated by the Fayetteville Police Department.

1.8.1 DEFINITIONS

Biased Based Policing – the selection of individuals for investigative, detention or arrest purposes based solely on a trait common to a group. This includes, but is not limited to, race, ethnic background, gender, sexual orientation, economic status, age, culture or any other identifiable group.

Traffic Stop – A traffic stop involves the stopping of a motor vehicle as a result of a Chapter 20, Motor Vehicle traffic violation.

Field Observation – A field observation does not involve any actual contact with an individual or group. It involves an officer making observations as part of an investigative effort or as means of gathering sufficient information or intelligence, including an individual or group's conduct, associations, and/or vehicle information.

Consensual Encounter – A police activity that does not rise to the level of an investigatory stop or a detention and the individual is free to leave. Examples of consensual encounters include field interviews and observations.

Field Interview – An interaction in which a police officer identifies an individual and finds out that person's business for being in a particular area. A field interview is by definition a limited consensual encounter with an individual that does not rise to the level of a formal stop and frisk.

Investigatory Stop – Is defined as the brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the officer's suspicions of criminal conduct. This is often referred to as a "Terry Stop" or a threshold inquiry.

Reasonable Suspicion – Exists when an officer, based on specific and articulable facts, and the rationale interferences drawn from those facts, believes that an individual has committed, is committing, or is about to commit a criminal offense. Reasonable suspicion may be based on direct observations or a combination of factors, including, but not limited to, the individual's prior criminal record, furtive conduct or flight from the police, the giving of evasive or conflicting responses to police questioning, admissions or confessions, the nature of the area and the reliable hearsay.

Frisk – Is defined as the pat down of the outer clothing for weapons. An officer may only conduct a frisk when he/she reasonably suspects that the person stopped (1) committed, is committing, or is about to commit a criminal offense, and (2) is armed and dangerous, and thus poses a threat to the officer or others.

Search – An officer must have consent or probable cause in order to conduct a non-inventory search of individual or his property.

Probable Cause – A foundation, based on the facts and circumstances and any sufficiently trustworthy information known to the officer or the collective knowledge of the police, for the belief that a person has committed, is committing, or is about to commit a crime. The belief is reasonable when it rests on an objective, substantial basis as contrasted with a mere subjective suspicion. Probable cause may be based on direct observations or a combination of factors, including, but not limited to, the individual's prior criminal record, furtive conduct or flight from the police, the giving of evasive or conflicting responses to police questioning admissions or confessions, the nature of the area, and reliable hearsay.

1.8.2 IMPARTIAL POLICING

A. All enforcement actions such as traffic stops, field contact stops, searches and seizures, and asset seizure and forfeiture efforts by officers will be based on a standard of reasonable suspicion or probable cause as required by the Fourth Amendment of the U.S. Constitution and statutory authority.

B. Officers must be able to articulate specific facts, circumstances and conclusions that support probable cause or reasonable suspicion for any arrest, traffic stop, investigative detention, search or seizure or any asset seizure and forfeiture efforts.

C. Officers may take into account the reported race, ethnicity or national origin of a specific suspect or suspects based on credible, reliable, locally-relevant information that links a person of a specific descriptor to a particular criminal incident or links a specific series of crimes in an area to a group of individuals of a particular race/ethnicity.

1. Credible and reliable – this standard is the same as that which officers should apply to any information that they use to establish reasonable suspicion or probable cause.
2. Locally relevant – this criterion requires that the information linking race to crime be based on local conditions. That is, officers can not rely on widely held stereotypes or even the fact that in many areas of the country a certain race is linked to a certain crime. Officers would have to have information that supports the link between race and specific criminal activity in their area.

    a. Except as provided above:

        1. Officers will not consider race, ethnicity, gender, or other improper criteria in establishing either reasonable suspicion or probable cause.
        2. Persons will not be singled out or otherwise treated differently because of their race, ethnicity, gender or other improper criteria.

D. Nothing in this or other agency directives alters officers' authority to conduct enforcement actions or otherwise fulfill officers' enforcement obligations.

1.8.3 PREVENTION OF MISPERCEPTIONS OF BIASED POLICING

A. Officers will use the following techniques and strategies when conducting pedestrian and vehicle stops to prevent inappropriate perceptions of biased law enforcement:

B. Be courteous, polite and professional.

C. Introduce himself/herself (providing name and agency affiliation) and explain to the citizen the reason for the stop as soon as is practical, unless providing this information will compromise the safety of officers or other persons.

D. Ensure the length of the detention is no longer than necessary to take appropriate action for the known or suspected offense.

E. Answer any questions the citizen may have, including explaining options for the disposition of the traffic citation, if relevant.

F. Provide his/her name and badge number when requested, in writing, or on a business card.

G. Apologize and/or explain the reasons for the inconvenience if he determines that the reasonable suspicion were unfounded (e.g. after a BOLO stop).

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

1.8.4 DATA COLLECTION -TRAFFIC STOPS AND INVESTIGATIVE STOPS

For **traffic and investigative stops**, the stopping officer shall accurately record all information required by N.C.G.S. 143B-903 using the Racial Profiling Module in RMS/MFR. Refer to Operating Procedure 9.5 Traffic Law Enforcement for further information.

1.8.5 SUPERVISION AND ACCOUNTABILITY

A. Supervisors will ensure that all personnel under their command are familiar with the content of this policy and are operating in compliance.

B. Supervisors are responsible for being alert to any language or conduct indicating bias or practices by individual officers that appear questionable in terms of racial or ethnic bias.

C. Supervisors are responsible for reviewing all reports and paperwork for accuracy and to identify if potential patterns and practices of their personnel/squads may indicate biased based profiling and treatment of individuals.

D. Supervisors are responsible for ensuring that required data is recorded on the appropriate forms and forwarded to CRU for data entry.

1.8.6 REPORTING COMPLAINT CRITERIA AND PROCEDURE

A. Employees will Document all Allegations of Bias-Based Policing.

1. Where there has been an allegation of bias-based policing, the investigating supervisor will complete a "Citizen Complaint" Blue Team entry to document the circumstances of the allegation and steps that were taken to resolve it. This entry should be completed in accordance to Written Directive 3.2 Complaint/Compliment Procedures.

B. Handling a Bias-Based Policing Allegation:

1. Employee:
    a. Receives an allegation of bias-based policing.
    b. Calls a supervisor to the scene.
        i. If the employee's supervisor is not available, the officer notifies another supervisor from the officer's district.
        ii. If no supervisor is available, the officer notifies a lieutenant who may assign a specific sergeant or who will personally respond to conduct the same review as would have been required of a sergeant had one been available.

2. Next-Level Supervisor:
    a. Responds to the scene.
    b. Gathers all relevant information from the person making the allegation and from any witnesses, who are willing to provide information.
        i. Relevant information is defined as any information that may tend to explain, prove, or disprove the allegations being made.
    c. Provides specific information to the complainant on how the complaint will be handled in accordance with Written Directive 3.2 Complaint/Compliment Procedures.

1.8.7 COMPLIANCE

A. Biased-based policing is unethical and illegal and serves to foster distrust of law enforcement by the community we serve.

B. Violations of this policy will be addressed as follows:

1. Additional or remedial training or counseling may be appropriate responses to violations that indicate bias.
2. Clear, intentional violations will be the subject of more severe disciplinary action up to a consideration for dismissal.

1.8.8 ANNUAL REVIEW

A. This Written Directive shall be reviewed annually. All affected personnel are required to review this policy each year, and completion of the review shall be documented through PowerDMS.

1.8.9 PUBLIC REPORT

A. All Traffic Stop Report data can be located on the NC State of Bureau of Investigations website https://trafficstops.ncsbi.gov.

1.8.10 REFERENCES

WD 3.1	Office of Professional Standards (OPS)
WD 3.2	Complaint/Compliment Procedure
OP 1.1	Internal Administrative Investigation Procedure
OP 9.5	Traffic Law Enforcement
N.C.G.S. 143B-903	Collection of traffic law enforcement statistics

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

	Fayetteville Police Department **WRITTEN DIRECTIVE**	**Number** **1.09**
	Subject **DUTY TO INTERVENE**	**Effective Date** 07 November 2025
	Revised 08-27-20, 04-27-21, 03-11-22	**Page** 1 of 2
	CALEA Standard 1.2.10	

1.9.0 OBJECTIVE

To establish guidelines for intervention and reporting when any employee of the Fayetteville Police Department, sworn or non-sworn, observes unreasonable conduct on the part of another employee.

Trust placed in the Fayetteville Police Department by the community can be damaged or completely lost if employees do not take action when encountering inappropriate conduct by other employees or associates. It is paramount that employees understand that immediate action and intervention is a requirement and a component of the oath of office, code of ethics and under certain circumstances legally required.

1.9.1 POLICY

Any employee that observes or has knowledge of another employee engaging in behavior that may constitute a violation of departmental policy, state or federal law, or local ordinance shall report it to a supervisor immediately. Any employee that witnesses or observes another employee engage in any unreasonable use of force and that use of force could result in injury, death, or violations of constitutional rights intervention must be immediate. Employees are only expected to intervene if it is within their scope of authority and training.

The Fayetteville Police Department is committed to protecting its employees who act on their duty to intervene to prevent or minimize misconduct by another employee.

1.9.2 DEFINITIONS

A. Imminent – An event which is impending or about to occur.

B. Intervene – To come between, whether verbally or physically, so as to prevent or alter a result or course of events.

C. Reasonably Necessary - Those actions, based upon the known facts or circumstances, which would normally be expected from a reasonable and prudent officer or person under similar circumstances.

1.9.3 PROCEDURE

1. Employees having knowledge of other employees violating laws, ordinances, Departmental or City Policy, will report it to their supervisor as soon as possible so that an appropriate investigation can begin.

2. Any employee present and observing another employee using force that is clearly beyond that which is reasonably necessary under the circumstances shall, when in a position to do so, safely intervene to end and prevent the further use of such excessive force. Employees have a duty to intervene in all situations where an employee is acting in violation of laws, orders, policies, or ethical conduct and immediately notify an on-duty supervisor or commander. Employees should also intervene in situations where they see a mistake occurring, or if they have a plan that is more likely to safely resolve the situation, even if the situation does not arise to a violation of law, ordinance, or policy. Non-sworn personnel are not required to intervene in use of force situations where they are not properly trained or required by oath of office or law to take such actions; however, non-sworn personnel have a responsibility to report what they've witnessed to an available supervisor.

3. Any employee present and observing another public safety associate from an external agency using force that is clearly beyond that which is reasonably necessary, under the circumstances shall, when in a position to do so, safely intervene to end and prevent the further use of such excessive force. Non-sworn personnel are not required to intervene in use of force situations where they are not properly trained or

required by oath of office or law to take such actions; however, non-sworn employees have a responsibility to notify an available supervisor regarding what they witnessed.

4. An employee's duty to intervene is not limited to use of force situations. All employees have a responsibility to report inappropriate conduct including, but not limited to: discriminatory language/behavior towards members of the public and colleagues, harassment and sexual misconduct, falsifying documents, and retaliation against an individual who reported employee misconduct. Additionally, employees should take a preventive approach to misconduct, when possible. Preventing misconduct preserves the integrity of all FPD members and promotes a culture of accountability.

1.9.4 REFERENCES

WD 4.01	Less Lethal Use of Force and Reporting
WD 4.10	Conducted Energy Weapon (CEW)
WD 4.11	Use of Deadly Force and Reporting
O.P. 1.1	Internal Administrative Investigation Procedure

Fayetteville Police Department Rules and Regulations
City of Fayetteville Employee Relations Manual

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

	Fayetteville Police Department **WRITTEN DIRECTIVE**	**Number** **2.1**
	Subject **POLICY DEVELOPMENT**	**Effective Date** 6 March 2026
	Revised 12-03-14, 1-11-16, 08-09-18	**Page** 1 of 2
	CALEA Standard 12.2.1, 12.2.2	

2.1.0 OBJECTIVE

To establish guidelines for the development and approval of all Fayetteville Police Department (FPD) policies and procedures. Written policies and procedures will provide employees with the guidance and a clear understanding of the expectations relating to the performance of their duties. While such a system is not intended to be all-inclusive, the establishment of policies will help to ensure a high degree of planned, consistent, and accountable police services.

2.1.1 POLICY

A. All policies and procedures must be written on the standard template, which may be obtained by contacting the Accreditation Manager and must reflect the FPD's values and philosophy of policing. Policies and procedures will also be promptly updated when a major change occurs which directly impacts the policies and procedures.

B. Only the Chief of Police has the authority to issue, approve and modify all policies and procedures within the Fayetteville Police Department.

C. Policies and procedures will govern all FPD activities by its employees. Other written communications distributed by the various areas within the FPD will only apply to those persons under the command of the issuing authority. No written communication will conflict or supersede any policy and procedure without the written authority of the Chief of Police, or their designee.

2.1.2 ELECTRONIC POLICY MANUALS

A. The electronic policy manual will serve as the official repository for all FPD policies and procedures, and will be maintained by the Accreditation Manager.

B. Electronic policies will be available to all FPD personnel via Power Document Management System (PowerDMS) and Police Shares.

C. New policies and procedures will be disseminated through the online PowerDMS system. An electronic signature from each employee will be obtained by the PowerDMS system and will serve to provide acknowledgment of receipt, as well as signify an employee understands the newly issued policies. PowerDMS will maintain a database of the electronic signatures and acknowledgments for documentation and tracking purposes. All employees must acknowledge all policy updates within seven (7) calendar days of the policy update or within seven (7) calendar days of the employee's return to duty from any approved leave (e.g., FMLA, vacation, military leave, or other authorized absence).

D. Only after final approval of the Chief of Police will a policy be placed in PowerDMS and/or Police Shares. All policies and procedures for the FPD will also be maintained on the FPD's website at (www.faypd.com).

E. A PowerDMS audit will be conducted randomly by the Quality Assurance Officer to ensure that all employees have read and acknowledged all new to revise policies in PowerDMS by providing their electronic signature within PowerDMS.

2.1.3 POLICY REVIEW

A. The Chief of Police maintains authority for approval of all agency policy and procedures.

B. Maintenance of the written directive system is assigned to the Accreditation Manager. In coordination with affected divisions and units, the Accreditation Manager shall be responsible for organization, review, revision, update, and purging of the agency policy manual on a continuous basis.

C. Division commanders may, with the approval of their chain of command, issue a written directive through memoranda or written policy or procedures that have bearing only on the specific functions or operations of their area(s) of responsibility. Such policies and procedures will be consistent with established agency policy and procedures.

D. It is the concurrent responsibility of all division and bureau commanders to ensure that policies, procedures and other directives affecting their area(s) of responsibility reflect the best practices for accomplishment of organizational and division activities, duties and responsibilities. The Accreditation Manager or designee will be responsible for staffing policies to the appropriate personnel for recommendations.

E. The Accreditation Manager will ensure that the policy and procedures are compliant with CALEA accreditation standards or city policies and procedures. The Accreditation Manager or designee will maintain a working file on each policy revision for record keeping and historical purposes.

2.1.4 DEVELOPMENT OF WRITTEN POLICIES AND PROCEDURES

A. All existing FPD policies and procedures will remain in effect until the policies are amended or rescinded. When a new policy or procedure is approved, the existing policy and/or procedure will be purged and replaced with the newer version by a member of the Planning, Research and Development Unit.

B. Policies and procedures must be developed with the assistance of the entire department through planning, research and development. All policies/procedures will be reviewed as needed by the department's Command Staff. Upon request, the Accreditation Manager will furnish the policy writer with the appropriate template used to construct the policy/ procedure.

C. All policies and procedures updates/revisions will be sent to the Office of Professional Standards and Accreditation Manager for review and to ensure CALEA accreditation compliance.

D. Once reviewed by OPS and the Accreditation Manager the policy or procedure will be staffed for seven (7) calendar days. All policy and procedure staffing will consist of the department's Command Staff, Police Legal Advisor, and any supervisor(s) who may have direct knowledge or input for the suggested revisions.

E. Once staffing on the proposed policies has closed, the supervisor requesting the revisions will be provided with all comments and suggestions submitted during staffing. The supervisor will then have no more than seven (7) calendar days to finalize the policy revisions and submit the final version to OPS and the Accreditation Manager.

F. All proposed or revised policies will be submitted to the Chief of Police for final approval within fourteen (14) calendar days from the start of staffing through submission of the final revision.

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

	Fayetteville Police Department **WRITTEN DIRECTIVE**	**Number** **2.2**
	Subject **SECONDARY EMPLOYMENT / SPECIAL EVENTS**	**Effective Date** 12 December 2025
	Revised 03-15-85, 06-18-91, 07-13-93, 05-11-98, 11-10-99, 01-06-00, 02-25-02, 07-03-02, 12-09-02, 10-17-03, 08-01-04, 10-10-06, 06-27-08, 07-07-10, 03-3-14, 04-05-18, 02-07-19, 09-17-20, 00-00-24, 06-07-21, 07-01-25	**Page** 1 of 11
	CALEA Standard 22.2.4, 22.2.5	

2.2.0 OBJECTIVE

To establish guidelines to ensure proper guidance, regulation and supervision of secondary employment to help prevent the possibility for conflict of interest and to identify processes and procedures for addressing issues which are critical to the Fayetteville Police Department (FPD) and its personnel.

2.2.1 DEFINITION

A. Alcohol Establishment – Any place of business where the on premise sale and/or consumption of alcohol is the primary source of income or revenue. For purposes of this policy, restaurants that serve alcohol as a primary source of revenue during a specific time frame will be considered an alcohol establishment.

B. Conflict of Interest – A clash between the secondary employer's interest and the interest of the public and or the Fayetteville Police Department.

C. Nuisance Activity – Every place which, as a regular course of business, is used for the purposes of lewdness, assignation, gambling, the illegal possession or sale of alcoholic beverages, the illegal possession or sale of controlled substances, prostitution, or every such place in or upon which these acts occur, and as may otherwise be defined pursuant to Chapter 19 of the North Carolina General Statutes.

D. Official Duties – Any duties executed by the officer that are related to enforcing Federal, State or local laws.

E. Secondary Employment – Any supplemental employment for salaries, wages, commission or any other kind compensation (such as reduced or free rent) as well as, self-employment by both sworn and non-sworn personnel.

F. Secondary Employer – Any employer other than the City of Fayetteville who hires either sworn or non-sworn personnel as an employee to work at their establishment.

G. Courtesy Officer – Employment of a sworn employee by an apartment or residential community for the provision of on-site criminal law enforcement in exchange for pay, housing, or a reduction in rent.

H. Recurring Job – Recurring jobs are considered to be a job that occurs at a specific time and day that is repeated daily or weekly.

I. One-Time Events – One-time events are those events that are not recurring and are usually only one- time. This also includes events which occur once a year on a yearly basis.

J. Special Event – "The temporary use of public property for the purpose of conducting art shows, fund-raising events, sidewalk shows, amusement attractions, walkathons, marathons, and sporting events (non-scholastic), or any combination thereof, but not limited thereto". – City Code Article VIII Sec 24-271. It is also an event where a large volume of vehicular and pedestrian traffic is anticipated, which includes but is not limited to: parades, highway construction and maintenance activities, etc.

2.2.2 OFF DUTY MANAGEMENT (ODM)

A. The Fayetteville Police Department has partnered with Off Duty Management to manage, compensate, and schedule the department's secondary employment and/or special events.

B. Secondary Employers wishing to hire an off-duty officer will be required to do so utilizing Off Duty Management. The only exception to this is businesses which provide officers with a W-2 and were grandfathered in, these businesses are not required to utilize Off Duty Management. Off Duty Management will handle all aspects of off-duty requests including scheduling, payroll, invoicing, and collections. Secondary employers will be referred to the Fayetteville Police Department website where they can select the banner "Hire an Off Duty Officer". The link provides the secondary employer with information on the secondary employment program and the contact information for Off Duty Management.

2.2.3 DEPARTMENT REGULATIONS

A. Secondary employment is a privilege not a right. While reasonable efforts will be made to accommodate secondary employment requests, the Chief of Police may prohibit any and all employees from working a secondary job. The Chief of Police may also impose additional restrictions in specific instances deemed to be in the best interest of the department and the City of Fayetteville.

B. Secondary employment must not conflict with the employees' hours of municipal employment or with the satisfactory and impartial performance of municipal duties. Additionally, secondary employment will not interfere with the employee's responsibility to the city and the police department or satisfactory police duties.

C. While employed secondarily, employees must abide by all federal, state, and local laws, rules, regulations, orders and policies of the FPD and the City of Fayetteville. Failure to follow regulations or the provisions of this order may result in disciplinary action in the same manner as on duty employment, up to, and including, termination.

D. Police Officers will not enforce any rules created by the secondary employer or its agents. Police officers will act only to enforce the law and preserve public safety. Officers will take appropriate action regarding all violations of law.

E. Official duties will take precedence over outside employment and officers working secondary employment are subject to emergency callback to official duty.

F. Sworn Police Officers are encouraged to work supplemental employment where the job function is strictly that of a law enforcement officer. However, supplemental employment in non-law enforcement capacities will be considered on a case-by-case basis and when the nature of the employment does not reflect unfavorably on the FPD and/or the City of Fayetteville.

G. Any supplemental employment requests by non-sworn employees will be considered on a case-by-case basis and when the nature of the employment does not reflect unfavorably on the FPD and/or the City of Fayetteville.

H. All employees are required to complete a supplemental employment form for any employment which is not staffed or invoiced through ODM. The Internal Affairs Unit will submit all secondary employment forms to Human Resources once reviewed.

I. Secondary Employment Categories

Due to the complexities of different types of secondary employment businesses or events will be categorized as follows:

1. Category 1 – Bars, night clubs, or any other type of business/event whose primary source of income is related to alcohol sales. This includes restaurants that discontinue full menu service after a certain time and take upon the atmosphere of a bar. Category 1 establishments MUST be staffed with a minimum of two sworn officers of any rank. If the establishment needs more than four (4) officers, a supervisor is required.

The following guidelines will be adhered to for all sworn personnel working at a Category 1 establishment.

a. Officers must confine their duties to those of a law enforcement nature.
b. Officers must limit their duties and responsibilities to the exterior of the establishment unless they develop reasonable suspicion that criminal activity is occurring, has occurred, or is likely to occur inside the establishment and this information necessitates immediate action.
c. Officers will notify communications when they enter any Category 1 establishment.

2. Category 2 – Retail Establishments, Grocery Stores, Entertainment establishments (movie theaters, miniature golf, arcades, bowling alleys, etc.), Restaurants, and Churches. Category 2 establishments must be staffed with a minimum of one to four (1-4) officers. If at any time more than four (4) officers are needed, then a supervisor is required.

3. Category 3 – Traffic Control and Courtesy Officers. Category 3 requests must be staffed with a minimum of one to four (1-4) officers or Civilian Crash Investigators. If at any time more than four (4) officers or CTI's are needed, then a supervisor is required.

4. Category 4 – Special Events which have been approved by the City of Fayetteville's Special Events committee. Specialized Services Bureau is responsible for ensuring all events for police services is entered into ODM. Depending on the size of the event an Assistant Chief, Major, Captain, Lieutenant, or Sergeant will be assigned as the Incident Commander.

J. Supervision and Adequate Staffing

1. The department will require any secondary employer or special event hiring more than four officers to hire at least one supervisor to work the assignment.
2. A supervisor may work secondary employment or special events as an officer but will not receive the supervisor rate of pay unless the assignment meets the above criteria.
3. The number of officers working at a secondary employment establishment will be determined by the IAU Representative reviewing/approving the secondary employment request.
4. The number of officers working a Special Event will be determined by the Specialized Services Bureau or Chief of Police or his/her designee.
5. Employers required to employ a supervisor must abide by the rate(s) of pay as outlined in section (M) of this policy.
6. In the event the minimum number of officers required to work a secondary employment establishment or special event fail to sign up, ODM will notify the employees who have signed up that the shift has been cancelled. ODM will make this notification within twelve (12) hours of the scheduled shift.

K. Worker's Compensation

1. Off Duty Management provides Worker's Compensation insurance for the employee except in circumstances when the injury is incurred while performing official police duties.
2. If an officer is injured while taking action that is considered normal, appropriate police action (such as making an arrest), the City of Fayetteville workers compensation insurance may cover the injury consistent with the terms of The North Carolina Workers Compensation Act. All workers' compensation injuries will be reported in accordance with City Policy.

L. Liability Protection

1. Off Duty Management maintains general liability coverage for the agency/officer for any incidents which occur during the course of off duty employment.

M. Rates of Pay for Secondary Employment and Special Events

1. Off Duty Management requires the secondary employer to pay an administrative fee of the officer's hourly rate plus 12% or $6.00 per hour, whichever is greater. Refer to the chart below for officer pay rates and ODM fees:

FAYETTEVILLE POLICE DEPARTMENT SECONDARY EMPLOYMENT RATES

TITLE	TOTAL HOURLY RATE with ODM Fee
Recurring Employment (Officer, CTI, CIC) $50.00 per hour	$56.00
Recurring Employment Supervisor $55.00 per hour	$61.60
One Time Event Officer, CTI, CIC 30 days or more / $65.00 per hour Within 21-29 days / $70.00 per hour Within 11-20 days / $75.00 per hour Within 10 days or less / $80.00 per hour	 $72.80 $78.40 $84.00 $89.60
One Time Event SUPERVISOR 30 days or more / $70.00 per hour Within 21-29 days / $75.00 per hour Within 11-20 days / $80.00 per hour Within 10 days or less / $85.00 per hour	 $78.40 $84.00 $89.60 $95.20
HOLIDAY** RATE****Officer, CIC, CTI $80.00 per hour	$89.60
HOLIDAY**RATE****Supervisor $85.00 per hour	$95.20

SPECIAL EVENT RATES

TITLE	TOTAL HOURLY RATE with ODM Fee
Special Event Officer / 30 days or more $65.00 per hour	$72.80
Special Event Officer / within 21 -29 days / $70.00 per hour	$78.40
Special Event Officer / within 11 - 20 days / $75.00 per hour	$84.00
Special Event Officer / within 10 days or less / $80.00 per hour	$89.60
Special Event Supervisor* / 30 days or more $70.00 per hour	$78.40
Special Event Supervisor / within 21-29 days $75.00 per hour	$84.00
Special Event / Supervisor / within 11-20 days $80.00 per hour	$89.60
Special Event Supervisor / within 10 days or Less / $85.00 per hour	$95.20
HOLIDAY** / EMERGENCY*** Officer $80.00 per hour	$89.60

HOLIDAY / EMERGENCY*** Supervisor* $85.00 per hour**	**$95.20**

N. Any sworn officer who wishes to donate their time while performing police related security for the purpose of assisting various civic, religious or other types of organizations may do so at the discretion of the Chief of Police, or his/her designee.

O. Uniforms

Officers approved to work police related secondary employment or Special Events will wear their class A or B uniform, except:

1. Class C Uniform may be worn but must be approved by the Chief of Police.
2. Officers may request plain clothes assignments, but they must be approved by the Chief of Police.
3. If an officer is approved to work plain clothes, they must be able to produce identification when the situation dictates.
4. Employees approved to work non-police related secondary employment will not wear clothing or insignia(s) which identifies them as an employee of the FPD.

P. Equipment/Vehicles

1. Employees will not use any police equipment in secondary work other than authorized by the Chief of Police.
2. Issued uniform equipment may be used for employment involving law enforcement related security activities when that employment has been approved by the FPD.
3. City police vehicles, when available, may be used in the performance of law enforcement related duties while working secondary employment. If the officer working secondary employment is using a city police vehicle appropriately equipped to transport prisoners, the officer will use the vehicle to transport their prisoner.
4. On-duty officers may assist transporting prisoners where the safety of the prisoner is a concern.

2.2.4 EMPLOYEE RESPONSIBILITIES

A. Employees wishing to work an off-duty assignment will sign up for the assignment utilizing the Officer TRAK application which is operated by ODM.

B. Shift Commitment: Once an employee signs up for secondary employment or a Special Event, it is their responsibility to ensure the employment request is covered. If an emergency arises and the employee is unable to work the shift they volunteered for, the employee should make every effort to have someone cover their shift. If an employee must drop, cancel, or have another employee cover a shift they have signed up for, they must receive prior approval from their assigned Captain, Major, or Assistant Chief. ODM will not make any employee shift change without this approval.

C. If an employee receives approval to drop or cancel a shift, but the shift is not covered, or if the employee fails to report (no-show) for a scheduled shift, the following progressive actions will apply:

1. First Offense: Verbal Warning (not considered a disciplinary action)
2. Second Offense: 90-Day Suspension of Off-Duty Privileges
3. Third Offense: 6-month Suspension of Off-Duty Privileges
4. Fourth Offense: One-Year Suspension of Off-Duty Privileges

Employees are required to remain at the secondary employment or Special Event site for the duration of their assigned shift. In the event employees must leave the secondary employment site for police related duties, employees must notify ODM to ensure their clock out time is accurate.

D. Completing Police Related Paperwork

1. Each officer or Civilian Traffic Investigator (CTI) is responsible for completing all reports and paperwork arising as a result of action taken during secondary employment. This includes, but is not limited to the following:

    a. Incident/Supplemental Reports
    b. Inter-Departmental Administrative Reports
    c. Collision Reports
    d. FI Cards

2. Officers are responsible for handling all law enforcement related duties while working for a secondary employer. Officers who make arrests will be responsible for prisoner processing.

E. Communications

1. Police personnel working police-related secondary employment will contact the CommunicationsCenter by phone, radio or CAD prior to beginning work, supplying the following information:

    a. Name
    b. Badge number
    c. Location
    d. Duration of work
    e. Uniform or plain clothes status

2. When completing their secondary employment, officers must notify the Communications Center via radio, by logging out of CAD or phone that they are out of service.

3. Officers will transmit the necessary information when they encounter any situation requiring police assistance or intervention.

F. Court

1. Officers will use their assigned court date for court cases arising out of the scope of their secondary employment.

G. Reporting Income

1. Off Duty Management provides officers with a 1099 at the end of the fiscal year.
2. Employees are responsible for ensuring appropriate tax and earning records are kept and filed at the end of the tax year.
3. Failure to adhere to the regulations regarding reporting of income may result in disciplinary action being taken against the employee, up to, and including, dismissal.
4. Employees required by law to report earnings received from a secondary employer may be requested by IAU to submit tax and earning records for review by the City's internal auditors and those records must be made available upon request when an allegation of misconduct has been made.

2.2.5 SUPERVISOR RESPONSIBILITIES

A. Supervisors will inform employees of the policies regulating secondary employment.

B. Supervisors will ensure employees under their command have not exceeded their maximum number of 72 hours in a week and are in compliance with the work duty restrictions in section 2.2.8 of this policy.

C. Supervisors will examine the Request to Engage in Outside Employment forms for accuracy for all employment requests which are not staffed or invoiced through ODM. (Example: Cross Creek Mall, FTCC, Woodpeckers).

D. Needs Assessment

1. If an employee working secondary employment determines the current staffing is insufficient, a Supervisor Needs Assessment form (POL# 245) will be completed and forwarded to IAU for review and final determination of the number of officers required to work the event.
2. Businesses that do not comply with the recommendation will be denied the benefit of employing police officers.

2.2.6 INTERNAL AFFAIRS UNIT RESPONSIBLITIES

A. IAU will serve as the point of coordination for law enforcement related secondary employment activities. Potential employers interested in hiring police will be referred to the Fayetteville Police Department website where they can select the banner "Hire an Off Duty Officer". The banner provides a link to the secondary employer with information on the secondary employment program and the contact information for Off Duty Management.

B. Once a request is received from Off Duty Management, the IAU representative will review the request and ensure the type of employment requested falls within policy. The IAU representative will determine the number of officers required and either approve or disapprove the request. Once the request is approved, Off-Duty Management will publish the request in Officer TRAK.

C. IAU will review all law enforcement and non-law enforcement related request forms for completion and consistency with policy.

D. IAU will submit all Request to Engage in Outside Employment forms to Human Resources no matter if they are approved or not. These forms are only required for secondary employment that is not staffed or invoiced by ODM.

E. Annually, IAU will conduct a check of non-ODM secondary employment records to ensure accuracy.

2.2.7 NUISANCE LOCATIONS

A. An establishment may be rejected for secondary employment based on a record of excessive violence, nuisance activity or breach of contract as indicated by police reports, citizen complaints, information exchange forms, call history, nightly reports, etc. This rejection may occur whether alcohol is served or not. An IAU representative will notify the business that their secondary employment privileges have been suspended for a minimum of 6 months and cannot be reinstated until the adverse activity has ceased.

2.2.8 RESTRICTIONS ON SECONDARY EMPLOYMENT

A. Employment will be restricted when there is a presumption that a law enforcement officer's symbolic authority may improperly serve private rather than public interests. Specifically, police authority may not be used for the private interest of an individual or an organization.

B. Employees of the police department are prohibited from working secondary employment for a location or activity where their employment involves the potential for conflict of interest as defined by this policy. Therefore, employees are prohibited from working under conditions where they confer a special advantage to a private interest at the expense of a public interest. Finally, certain types of self- employment or work for particular types of employers will be restricted.

C. Officers may provide law enforcement security services as secondary police employment to a person, firm, association or corporation provided that the entity is not engaged in private security or investigative services.

D. Restricted Employment includes but is not limited to:

1. For attorneys or bail bond agencies.
2. For a wrecker service or as a repossesor.
3. For collection agencies or to collect accounts or debts.

4. As a polygraph examiner.
5. At any location that may reflect unfavorably on the officer or the department, or that may place the officer in a compromising position.
6. For an employer or manager with any violent felony convictions or convictions that would be deemed a nuisance under N.C.G.S. Chapter 19.
7. As a private investigator.
8. Performing work as a bouncer, door man, or cashier at a nightclub.
9. Working with a taxi company.
10. Serving or selling alcoholic beverages (sworn employees only).
11. Working for businesses involved in labor disputes.
12. Where the employment would constitute a threat to the status or dignity of the police as a professional occupation. Examples include establishments which sell pornographic material, or that otherwise provide entertainment or services of a sexual nature.
13. Private security or "bodyguard" for a person.

E. Any employee who disagrees with the reason(s) a location and/or employee(s) were denied supplemental employment may discuss the matter with the Chief of Police.

F. The Chief of Police has final authority for approving and denying any secondary employment requests.

G. Specific Prohibitions

1. Officers are prohibited from soliciting secondary work. Such requests for secondary employment should be initiated independently by the secondary employer. Officers receiving requests for off- duty officers will direct the inquiry to ODM.

H. Courtesy Officers

Courtesy Officers must abide by the following provisions:

1. Courtesy Officers must confine their duties to those of a law enforcement nature. Notifications of evictions, collection of rent, bad checks, and enforcement of complex rules, regulations, or policies which are not otherwise violations of the law are prohibited.

2. Courtesy Officers will not respond to any complaints after consuming alcoholic beverages, but instead will contact Communications and request that an on-duty officer be dispatched to handle the complaint.

3. Courtesy Officers will not respond to any complaint in the complex in which they are employed while on-duty unless dispatched to that location by Communications.

4. When responding to complaints where enforcement action is anticipated, the Courtesy Officer will notify Communications and request that an on-duty officer be dispatched to handle the complaint.

2.2.9 LIMITATIONS ON SECONDARY EMPLOYMENT

A. Duty Status Restrictions

1. Employees who are not working and are receiving worker's compensation wages will not work any secondary employment.
2. Employees on suspension without pay will not engage in any police-related secondary employment.
3. Employees on disciplinary probation will not work secondary employment.
4. First-year officers are prohibited from working police-related secondary employment, until they have successfully completed field training, except for overtime and special event staffing.
5. Lateral officers may work secondary employment after successfully completing field training.
6. Employees on administrative duty for work-related or non-work related injuries or illnesses will not engage in any secondary employment.
7. Employees that are not able to work their regular scheduled work hours due to illness and use sick leave will not be able to work a secondary employment job until they have returned to work a regular scheduled

shift in their primary job.

8. Employees on administrative duty or leave due to an internal investigation will not work police-related secondary employment.
9. While on FMLA employees cannot engage in any type of Secondary Employment during their assigned duty hours including pre-scheduled overtime and special duty assignments.
10. While on FMLA employees can engage in Secondary Employment where their secondary employer's job duties do not conflict with any medical restrictions as outlined on the medical certification form on file with Human Resources.

B. Limitation on Working Hours

1. All employees are prohibited from working more than seventy-two (72) accumulated hours per week in any combination of actual duty hours, department approved overtime, court time, or training outside of the employee's duty hours.
2. All employees may work sixteen (16) hours of secondary employment on non-duty days, and sixteen (16) hours daily of combined secondary employment and actual duty hours to include city approved overtime, court time, or training time outside of the employee's duty hours.
3. A day is considered to start at 0000 hours and ends at 2359 hours.
4. During each day the employee MUST have a minimum of six (6) consecutive uninterrupted hours in which the employee is not working on-duty or engaging in secondary employment.
5. Call outs requiring on-call responses from employees and extended calls for service are not defined as secondary employment. However, supervisors are responsible for ensuring that officers who are scheduled for duty are not too tired to work if they have been called out to respond to a specific crime or incident.

C. Ranking Personnel

Officers of rank will not work as a subordinate to any member of a lesser rank/title. Supervisors working police related secondary employment where more than one officer is working will assume supervisory responsibility for that location during the time they are working.

D. Part-Time Officers

1. Part-Time Officers are eligible to work police related secondary employment.
2. Part-Time Officers who satisfy requirements will adhere to the same standards of conduct as full- time officers in accordance with the policies and procedures of the department.
3. Failure to adhere to this policy may result in the Part-Time Officer having their secondary employment privileges suspended.

2.2.10 SPECIAL EVENT PLAN

A. A Special Event Plan will be prepared for each Special Event application received by the department. The special event plan will be approved by the Chief of Police or designee and will include the following information:

1. A copy of the Special Event application form. A copy of all Special Event applications will be forwarded to CIC for appropriate input.
2. The date and time of the event.
3. The location of the event or the proposed route.
4. A brief description of the event.
5. An estimate of anticipated crowds.
6. Possible crimes that may be associated with this event.
7. The suggested number of police personnel that will be required for the security and control of the event.
8. Any request for additional or special equipment.
9. A list of the coordination accomplished to date.
10. The designated incident commander.
11. Specific duties or assignments if available.

12. Alternative route for Emergency Vehicles (Police, Fire, Ambulance, etc.), with information being furnished to the Communications Department.
13. The designated radio channel for communications for this event.

B. Provisions will be made for identifying those persons working directly with the event to assist them in crossing police lines. This includes promoters of the event, vendors, and press personnel.

C. The time, location, and anticipated attendance will be determined or estimated by the Incident Commander assigned to supervise the event. They will be responsible for identifying the number of personnel needed to manage the event.

D. If the event is a parade, the route will be determined and coordinated with other public service and transportation agencies, including but not limited to: railroad, mail, public works, and FAST City buses to provide an opportunity to adjust the normal schedules for their services.

E. The perimeter streets during the special event will be used to maximum advantage by eliminating or increasing parking space, making temporary one-way streets, and assigning officers to intersections for control and the efficient movement of pedestrian and vehicular traffic.

F. The Incident Commander assigned to the event will ensure adequate publicity for any changes or alterations in street utilization, parking availability, public transportation services, and the location of the event or parade route.

G. The Incident Commander will complete a documented after-action review in a form of a memorandum to the Chief of Police. Based on the size and nature of the event, this review may include other event supervisors and commanders to assess the strengths, weaknesses, opportunities and challenges that were experienced during the event.

H. In the event a Special Event plan/permit has not been completed and information concerning a possible spontaneous or unauthorized Special Event is obtained, the IC will evaluate whether in the interest of justice the event will be allowed to continue. In instances described in this subsection, a Special Operations Plan will be completed to document FPD actions.

2.2.11 EVENT STAFFING AND RESPONSIBILITIES

A. Personnel assigned to work the event will be responsible for providing uniformed coverage at assigned locations as identified in the Special Event Staffing Plan and/or the Special Operations Plan. Officers identified to work the event in plain clothes will be provided with a plainclothes assignment.

B. The primary tasks include; facilitating event safety, assisting with lost, missing children and families, assisting and directing injured subjects to the medic staging area if one is available, support event organizers with disruptive attendees when applicable, and assisting both the motoring and walking public to safely enter and exit the venue.

C. Emergency Medical Service personnel will be staged in the event footprint when applicable, or will have ready access to the event, including Fire and EMS services. Police officers will augment this by the use of their police vehicles during an emergency.

D. The assigned Incident Commander will identify the number of officers needed for crowd control. If the event is a parade, ropes or other appropriate barriers will be used along the parade route with officers stationed at intervals as needed.

E. Consistent with the scheduled or anticipated duration of the need for traffic direction and control services, provisions will be made for adequate breaks for department personnel providing those services.

F. Officers will wear uniforms in accordance with section 2.2.3 letter (O) of this policy.

G. Staffing for Special Events will be placed in ODM.

H. Any orders given to individuals involved in large scale events, (peaceful or otherwise) shall be captured on video and audio recordings when possible. All attempts should be made to video and audio tape any arrest of event participants when applicable, practical and possible.

2.2.12 REFERENCES

N.C.G.S. Chapter 19	Offenses Against Public Morals
City of Fayetteville Code	Article VIII Sec 24-271
POL – 30a	Request to Engage in Outside Employment
POL – 245	Supervisor Needs Assessment

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

	Fayetteville Police Department **WRITTEN DIRECTIVE**	**Number** **2.3**
	Subject **EMPLOYEE LIABILITY PROTECTION**	**Effective Date** 29 April 2024
	Revised 07-14-87, 04-01-93, 02-25-02, 01-26-07	**Page** 1 of 2
	CALEA Standard 11.3.3, 22.1.3	

2.3.0 OBJECTIVE

To establish guidelines for department liability protection.

2.3.1 GENERAL

The City of Fayetteville maintains a liability protection program to protect Police Department employees from acts or omissions of acts directly related to their law enforcement duties. Liability coverage is provided by vehicle liability coverage and City self-insurance. Since the exact components of the vehicle liability protection program are subject to periodic change through contract expiration and renegotiations, any employee desiring to know the specific components may contact the Risk Manager.

2.3.2 EMPLOYEES COVERED

All employees hired by the City of Fayetteville that are assigned duties with the Fayetteville Police Department may request that the City Council provide for the defense of any civil or criminal action or proceeding brought against him/her either in his/her official or in his/her individual capacity, or both. The City Council is forbidden by law from appropriating funds for employees for acting or failing to act because of an employee's actual fraud, corruption or actual malice. The City Council may appropriate funds for the defense or for any civil judgment but is not required to do so by law. (NCGS 160A-167)

2.3.3 NOTIFICATION OF SUIT OR CLAIM

Employees will immediately report in writing directly to the Chief of Police or his/her designee, and to the Police Attorney, any criminal charges or civil actions brought against them as a result of alleged performance or non-performance of duty, or which involve the employee's fitness for duty. Employees will also notify the Chief of Police or his/her designee, and the Police Attorney, in writing, before filing claims for damages or entering into any legal compromise or settlement regarding events which resulted from employee's non-performance of duty. The Chief of Police will provide notification to the City Manger, City Attorney, and Risk Manager using the appropriate forms through the chain of command.

2.3.4 NOTIFICATION OF SERIOUS POLICE INCIDENTS

The Chief of Police or his/her designee, the Police Attorney and the Office of Professional Standards should be immediately notified of any and all serious incidents. Pursuant to this policy, a serious incident is defined as one that may result in liability to the City of Fayetteville, its agents, officers or employees, or those that result in heightened community interest. Serious incidents include, but are not limited to, the following: officer involved shootings, vehicle pursuits resulting in personal injury or property damage, injuries to officers requiring medical treatment, subjects injured in custody, serious property damage resulting from police action, as well as allegations of criminal misconduct involving a police employee. Supervisors in charge of the employee(s) are responsible for ensuring that these notifications are made in a timely manner. This notification is not the same as a Serious Incident as defined in Article VII of the Employee Relations Manual.

2.3.5 FINANCIAL LIABILITY

No employee will imply or accept financial liability or responsibility for losses or damages on behalf of the City of Fayetteville. Any employee receiving inquires concerning financial liability will refer the inquirer to the City Attorney, City Manager, and Risk Manager using the appropriate forms.

2.3.6 WARNING

All personnel should be aware that they can be sued, and under certain circumstances, the City of Fayetteville may not be authorized or allowed to provide for the defense or pay any award ordered by the court. It should be further noted that the City does not and will not carry uninsured motorist insurance and therefore the employee only has workers' compensation.

2.3.7 REFERENCES

N.C.G.S. 160A-167	Defense of employees and officers; payment of judgements

City of Fayetteville Employee Relations Manual Article VII

By Order Of: Kemberle Braden, Chief of Police
Digitally Signed

	Fayetteville Police Department **WRITTEN DIRECTIVE**	**Number** **2.4**
	Subject **COURT ATTENDANCE AND RESPONSE TO COURT SUBPOENAS**	**Effective Date** 20 February 2026
	Revised 06-13-85, 05-28-93, 02-25-02, 11-18-13, 04-27-14, 03-29-18, 04-22-22	**Page** 1 of 3
	CALEA Standard N/A	

2.4.0 OBJECTIVE

To establish a procedure to minimize the number of officers required to be in court at a given time, for receiving, serving and honoring subpoenas issued by the Courts and for notifying officers of information related to court.

2.4.1 ATTENDANCE

A. Employees are expected to be diligent in court attendance to include DMV Hearings, Grand Jury, Case Review, Pretrial Meetings, and all other court related functions. All officers will attend court on the days for which they have cases set and/or which they have been subpoenaed.

B. If an officer is subpoenaed for Merchant Court or if the officer subpoenaed is the Intoxilyzer Operator, the officer is required to appear. For Merchant Court if the officer did NOT witness the theft the officer should document in the notes field of the citations that "charging officer did not witness this incident".

C. In order to be excused from court for schools, vacation and military leave, the employee requesting leave must have their immediate supervisor email the Court Liaison Coordinator a request for leave form 30 days prior to their schedule court date indicating the dates the employee will be unavailable for court. The Court Liaison Coordinator will file the leave form with the District Attorney's Office. The Court Liaison Coordinator will email the employee and their supervisor indicating the court leave form has been completed and is on file in the District Attorney's Office.

2.4.2 PROCEDURES

A. Officers will schedule all initial and continued cases on their assigned court dates. In the event an officer schedules a case for court on a date other than his/her assigned date, the officer will, immediately notify their supervisor of the scheduled court date in writing, detailing the reasons for scheduling on a date other than the assigned court dates.

B. Officers will schedule court approved traffic cases for Traffic Administrative Court (TAC) to be held in courtroom 2C at 8:00 am each Friday. (Officers are **not** required to attend TAC). All other cases will be scheduled for the officers scheduled court date no less than four weeks away from the date the citation was issued. However, when a conflict exists between the proposed court date and a holiday, the case may be scheduled more than four weeks away to eliminate the conflict.

C. Officers who issue citations are required to attend first and subsequent court appearances. Each officer is responsible for determining if they are scheduled for court by monitoring the subpoenas they receive, checking the court dockets, monitoring the citations they schedule for court, or responding to other notification to attend made by the court or the Court Liaison Coordinator. Officers will be compensated at a rate of pay of (regular overtime) for time spent for court activities while **off-duty**. These activities include the following:

1. Any trial or court proceeding at the local, state or federal level. If compensated by another agency for time spent in court, officers are not eligible for city court compensation.
2. Regularly scheduled court date or subpoena.
3. DMV Hearings.
4. Case Review/Grand Jury.
5. Pretrial meetings with the District Attorney.
6. Court in another jurisdiction if FPD related.

D. The court docket can be located at www.nccourts.gov. The Court Liaison is responsible for assigning court dates for new officers.

E. Captains and above will be removed from the scheduled court date calendars and will no longer have an assigned court date once all cases have cleared from all court dockets.

F. In the event of an officer's extended illness, the officer's supervisor will notify the District Attorney's Office or the Court Liaison Coordinator prior to the court date.

G. Officers will sign in for court at 0845 hours in the Court Liaison Office and sign out for lunch and in again when the session resumes following recess for lunch. Once an officer has signed in for court duty they will remain seated in the courtroom. Officers assigned to undercover units are not required to sit inside the court room. Undercover officers are allowed to wait in the Court Liaisons Office until they are needed.

2.4.3 SUBPOENAS

When a subpoena is received, it will be served on the officer by authorized personnel and returned to the Clerk of Court's office. Officers being subpoenaed will contact the District Attorney's office, when necessary, prior to the scheduled appearance to determine their need to appear in court on the day their trial is scheduled to start. Subpoenaed officers will promptly notify the Court Liaison Coordinator of any intended absences, so that the Court Liaison Coordinator may notify the Court and the District Attorney's office of the officer's absence. If a subpoena is served on an officer and they have a court slip in, then the officer is to contact the District Attorney's office and the Legal Advisor so that the Legal Advisor can assist with attempting to get the officer released from the subpoena.

2.4.4 PROCEDURE FOR INTOXILYZER REFUSAL HEARINGS

Subpoenas for officers involved in Intoxilyzer Refusal Hearings are issued by the State Hearing Officer. Subpoenas are delivered by mail to the Office of the Chief of Police. When a subpoena is received, it will be served on the officer by authorized personnel with the original returned to the Clerk of Court's office. Intoxilyzer Refusal Hearings are conducted at the Department of Motor Vehicles, 301 South, Fayetteville, NC. Subpoenaed officers will report to that location. When the officer is required to attend an Intoxilyzer Refusal Hearing while off duty, the subpoenaed officer will complete a Court Attendance Sheet and have it validated by the Hearing Officer.

2.4.5 COURTROOM DEMEANOR

Employees shall be punctual, properly dressed, and prepared (to include consultation with the prosecutor and processing pertinent police reports, notes, and evidence). At all times, employees shall maintain a respectful attitude toward the court and both counsels. Employees will refrain from using their cell phones while in a courtroom.

2.4.6 COURT APPEARANCES, STATEMENTS, AND TESTIMONY

Employees shall not give a deposition or affidavit, or appear as a witness in a civil matter stemming from their official duties as department employees, without first providing written notification to the Chief of Police through the Chain of Command, and to the Police Legal Advisor. Should any employee be requested or subpoenaed to testify for the plaintiff or defendant in any trial, hearing, deposition or inquiry against the City or the Police Department, the employee so requested or subpoenaed shall notify the Chief of Police through the Chain of Command, and the Police Legal Advisor, in writing, upon receipt of the request or subpoena.

2.4.7 SERVING AS A CHARACTER WITNESS

Employees shall not give testimony as a character witness for any defendant in a criminal trial without previously notifying the Chief of Police or his designee, and the Police Legal Advisor. Testimony will be given only under direct subpoena.

2.4.8 REFERENCES

WD 5.4	Uniform and Appearance Standard

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

2.5.0 OBJECTIVE

To establish guidelines for sworn personnel of the Fayetteville Police Department regardless of rank or assignment, to be held accountable for maintaining their physical abilities to a level that will allow them to perform all of the essential functions of the their job abilities.

2.5.1 AVAILABLE RESOURCES

A. The City of Fayetteville health care benefit provides for annual physical examinations for all employees who elect coverage. These exams are at a minimal cost to the employee when obtained from an in-network provider. The department encourages all its employees to take advantage of this health care provision.

B. While no City funds are available to defray athletic club membership or equipment costs, reduced rates are available to law enforcement as a courtesy from local facilities. The City Human Resource Department will assist employees in obtaining a list of participating fitness centers. The Department Weight Room, Training and Education Center Gymnasium/Weight Room and several City Fire Department buildings have exercise equipment that may be utilized by law enforcement employees through coordination with the Training and Education Center.

2.5.2 PHYSICAL ABILITIES

A. The Fayetteville Police Department believes that having a physically fit workforce increases attendance and reduces medical costs, which benefits both the agency and its employees. For members, it also strengthens the member's ability to cope with the demands that a career in law enforcement presents. Therefore, employees of the Fayetteville Police Department are strongly encouraged to establish and maintain a personal program of physical fitness. The Training Center has many types of fitness equipment available for use by department employees and staff members are available to provide assistance and instruction for using the equipment.

B. The Department has implemented a voluntary wellness program called ForceFit. This program is coordinated through the Training Center utilizing personnel who have received training in physical fitness instruction and assessment. The ForceFit Coordinator is designated by the Training Unit Lieutenant and is responsible for the following duties for employees who elect to participate:

1. Completion and maintenance of release of liability forms.
2. Completion of health screening forms and a physical abilities assessment.
3. Individual education and goal setting.
4. Ongoing support and evaluation.

C. The ForceFit Coordinator is responsible for disseminating a weekly schedule of class times for the Fayetteville Police Department "ForceFit" training classes. These classes are based upon the CrossFit methodology. ForceFit training can be modified to meet the needs of the individual participant.

2.5.3 ILLNESS / INJURY RELATED TO JOB PERFORMANCE

A. Changes in an employee's health that may adversely affect job performance must be reported by the officer to his/her supervisor. The officer must immediately report medical problems that involve inability to perform certain movements, periods of limited duty, or for which medications are prescribed that may interfere with duty performance. Upon notification of such a condition, appropriate duty modifications may be made.

B. If an employee is unable to perform their full duties, due to illness or injury, it may be necessary to refer the employee to the City Physician or Psychologist for an evaluation to determine fitness for duty. When this is necessary, the evaluation will be accomplished expeditiously and the concerned

supervisor informed of the results immediately. The evaluation will be specific in terms of disability noted, whether full or light duty is appropriate, and the length of any light duty.

C. When a supervisor becomes aware that they have an employee whose performance is not acceptable due to possible medical and/or psychological reasons the supervisor will report this through the chain of command to the Chief of Police.

Following notification, the Chief of Police will initiate the following actions:

1. The Chief of Police will direct the Internal Affairs Unit to contact the appropriate office to schedule an evaluation. Internal Affairs will notify the concerned employee and Bureau Commander of the appointment time. Internal Affairs directly coordinates psychological fitness for duty assessments and will coordinate with Risk Management and/or Human Resources for physical abilities for duty assessments.
2. Internal Affairs will ensure that the contract physician/psychologist has all required documentation or information prior to the appointment.
3. The contract psychologist will complete a written explanation of the evaluation and results and submit the information to Internal Affairs. Risk Management and/or HRD will forward a copy of any written documentation regarding physical abilities for duty evaluations from the contract physician to Internal Affairs.
4. Internal Affairs will coordinate with the employee's area of assignment for any follow-up activities.
5. The City will pay the cost of any evaluation performed by the contract physician/psychologist at the request of the Chief of Police. Any subsequent prescribed treatment will be at the employee's expense and arranged by the employee with the professional of their choice.

2.5.4 LIABILITY

The City of Fayetteville provides worker's compensation laws and provides hospitalization insurance to all employees who elect medical coverage and pay the monthly premium. Individuals may consult the City Employee Handbook or speak to a benefits specialist in the City Human Resource Department for a detailed explanation of employee rights and benefits. In the case of injuries, each incident will be examined carefully to determine whether the individual's actions and activities were proper, appropriate and truly part of a planned fitness activity. Worker's compensation may be applicable. If not, costs will be borne by the individual supplemented by health insurance.

By Order Of: Harold E. Medlock
Digitally Signed

2.6.0 OBJECTIVE

To establish a uniform system of written communication for the Police Department.

2.6.1 TYPES OF WRITTEN COMMUNICATIONS

A. Rules and Regulations

Issued by: Chief of Police
Purpose: To set a standard of behavior and performance for all department employees in order to maintain discipline and good order within the department.

B. Written Directive

Issued by: Chief of Police
Purpose: To provide procedures concerning department-level issues.

C. Personnel Orders

Issued by: Chief of Police, Assistant Chiefs, Majors and Division/Unit Commanders
Purpose: To indicate personnel actions, such as appointments, assignments, transfers, promotions, and disciplinary measures.

D. Operating Procedures

Issued by: Chief of Police
Purpose: To provide detailed operational instructions in specific subjects that may or may not be department wide.

E. Administrative Memorandums

Issued by: Any department employee through the chain of command.
Purpose: To transmit information. Occasionally, the nature of the information may constitute an order and, as such, are official in nature.

F. Bulletins, Newsletters, and other Specialized Items

Issued by: Any department employee upon approval by the Chief of Police or his designee.
Purpose: To disseminate information.

G. DCI and MDT Transmissions

Issued by: ALL DCI and MDT messages are governed by DCI regulations. DCI terminals and MDTs will be used only by authorized, certified operators.
Purpose: To transmit and receive data.

H. E-Mail

Issued by: Any employee with a department e-mail account.
Purpose: To transmit information. Occasionally, the nature of the information may constitute an order and, as such, are official in nature.

2.6.2 EMAIL COMMUNICATION

A. Employees are required to check their email on and during their scheduled days of work, and are required to respond to their emails in a timely manner. A timely manner is considered within 72 hours (3 days).

B. Employees are expected to be courteous and professional in all email communications. Employees should use clear, action-orientated subject lines.

C. It is encouraged for employees who are considered to be on-call to check their emails even when off-duty to ensure they are current with what is transpiring within the agency and city.

D. The following announcements should be sent to the **employees' chain of command only:**

1. Employee's family member death notifications
2. Birth of an employee's child
3. All "Good Job" emails

E. All employees must limit the use of "Reply All". Only use "Reply All" if your response is relevant to everyone.

F. Dissemination of Investigative Photos

1. Refrain from sending blurry or poor-quality images department-wide asking for assistance to identify the person, vehicle, or item in the photo.
2. Utilize internal investigative resources before seeking broad input.
3. Confirm the necessity and quality of the image before circulating.

G. All extra patrol requests should be sent to the appropriate supervisor groups for district/squad level dissemination. These emails should not be sent to "Police Special" or "Police City Email List".

1. Extra patrol requests go to the following email groups depending on the district the request is in:
    a. Police Campbellton District Supervisors
    b. Police Central District Supervisors
    c. Police Cross Creek District Supervisors

H. Any document being uploaded into PowerDMS should not be disseminated via email.

I. Away from duty emails should not be sent out department wide, but should be sent to your appropriate chain of command and your assigned subordinates. In accordance with City Policy 119 (Out of Office Email and Voicemail Policy) employees are required to do the following when away from duty:

1. Ensure you turn your Microsoft Office out of office auto-response on. Ensure there is a beginning and end date of absence from the office. Provide an alternate point of contact in your absence.
2. Change your voicemail message on your phone to let the caller know you are unavailable.

J. All email communication not specifically exempted by North Carolina law is a public record and subject to release upon request. Certain information contained in emails could contain records of criminal intelligence and/or investigations conducted by a public law enforcement agency which are exempt from the public records law of North Carolina pursuant to N.C.G.S. 132-1.4(a). Such records may be released only by court order or through discovery pursuant to N.C.G.S. 15a-901 and 15a-902. seq.

2.6.3 CRITERIA FOR POLICY STATEMENT

Any policy statement addressed in any communication described in this directive must be approved by the Chief of Police and must meet the following criteria:

1. Affect only those personnel subordinate to the issuing authority.
2. Not conflict with established policy or procedure of higher authority.

2.6.4 DEPARTMENT POLICY MANUALS

A. PowerDMS is the Department's electronic Policy Manual. Each employee will be provided a user account and log in instructions for Power DMS. The Manual serves as a source document, containing Written Directives, Operating Procedures, Rules and Regulations, and City of Fayetteville's Employee Relations Manual. All employees must sign onto PowerDMS to provide an electronic signature acknowledging receipt and understanding of all policies. Each employee is also responsible for signing on to PowerDMS when any revisions are made. Each employee must review the revision and provide an electronic signature. All employees are responsible for being familiar with and abiding by the provisions of the Manual.

B. The Accreditation Manager is responsible for coordinating the issuance of new or revised material for the Manuals.

C. Anytime there is a revision of any material in the policy manual, a notification will be sent via email. The notification will advise all employees to sign onto PowerDMS to review and provide an electronic signature acknowledging receipt and understanding of the revisions. Supervisors will inform all employees who do not have email access of the notification to ensure compliance with this procedure.

D. In the event the computerized documentation system is inaccessible, the Accreditation Manager or a member of the Internal Affairs Unit are available to provide hard copies as needed.

2.6.5 NEW OR REVISED DEPARTMENT POLICIES OR PROCEDURES

A. Proposed department policies, procedures, Rules and Regulations, and the revisions of existing ones will be forwarded, through appropriate channels, to the Accreditation Manager. The Accreditation Manager is responsible for coordinating the policy process with final approval of policy changes for signature by the Chief of Police. If it is determined that a new policy is needed, or an existing one needs revising, the Accreditation Manager will:

1. Prepare a draft of the proposed document if a proposed draft has not been provided.
2. Ensure changes being made do not create a conflict with CALEA standards.
3. Distribute copies of the draft to Assistant Chiefs, Majors, and Captains for review. If appropriate, the draft may also be shared with Lieutenants or other unit supervisors affected by the proposed changes to obtain their review and feedback.
4. Some policy changes may require limited or no staffing based upon the change being requested.
5. Establish a due date for feedback on the draft.

B. When all drafts are returned and, if necessary, the Accreditation Manager or employee who proposed the updated policy will prepare amended drafts which include suggestions submitted during the review process.

C. The Accreditation Manager will then submit the proposal to the Chief of Police for approval.

D. Upon approval by the Chief of Police, the Accreditation Manager, with the assistance of the Internal Affairs Unit, will coordinate notification and dissemination to all employees. The approved policy will be placed in PowerDMS and notification of a revision will be sent via email.

E. The Accreditation Manager is responsible for indexing and purging all department policies, Rules and Regulations, Operating Procedures, and Written Directive issued and rescinded by the Chief of Police and maintenance of the historical policy revision and review files.

F. For other items of written communication, the issuing authority assumes the responsibility for any necessary indexing, purging, revising and otherwise managing the communication.

2.6.6 FORMAT

A. Written Directives and Operating Procedures will be prepared and printed in the following format:

	Fayetteville Police Department **OPERATING PROCEDURE OR WRITTEN DIRECTIVE**		**Number**
	Subject		
	Last Revised	Effective Date	**Page**

Objective

Text of Policy

References (If applicable)

By Order Of

B. Memorandums will be prepared according to Appendices A, B and C.

2.6.7 NUMBER CODES

Number codes are assigned by the Accreditation Manager for the purpose of filing the Written Directive and Operating Procedures in the appropriate section of the manual.

2.6.8 DISTRIBUTION

Rules and Regulations, Written Directives, and Operating Procedures will be distributed to all employees. Department Memorandums, depending on the content of the message, may be distributed to all personnel, specific individuals or units, via PowerDMS, read at roll calls, or posted on bulletin boards.

2.6.9 REFERENCES

City of Fayetteville Administrative Policy 119	Out of Office Email and Voicemail Policy
N.C.G.S. 132-1.4	Criminal Investigations; Intelligence Information Records
N.C.G.S. 15A-901	Application of Article
N.C.G.S. 15A-902	Discovery Procedures
CALEA Law Enforcement Standards	12.2.1, 12.2.2
CALEA Communications Standards	N/A
CALEA Training Academy Standards	N/A

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

APPENDICE A
PERSONNEL ORDER

Date

PERSONNEL ORDER NUMBER: 00-2010

EFFECTIVE DATE: **Indicated**

SUBJECT: **Sample Personnel Order**

Effective, Friday, May 11, 2007, this memo is the format for personnel orders. Please note the change in the placement of semi-colons in the title area. Please remember to include sentences regarding clothing allowance, incentive pay, etc. for the payroll technician (where applicable). This memo is also an exception because a signature block appears on the memo.

BY ORDER OF:

NAME (and rank when applicable)
Title

Initials
cc: Assistant Chiefs
Captains
Training/Court Liaison
OPS/Employee File
Supply Officer
Computer Program Analyst
Budget/Payroll Technician
City Manager/Personnel Services
Individual

APPENDICE B
IN-HOUSE MEMORANDUM

Date

MEMORANDUM

TO: Name and Title

FROM: Name and Title

SUBJECT: Sample Memorandums

This is an example of an interoffice memorandum. There will no longer be one type of memorandum for Police Department personnel and a separate letter for City Hall personnel. This type of memorandum will be used for both types of memos.

There is no signature block indicated. The author should sign/initial to the right of their name on the "FROM:" line to validate the document as an original.

Please note the spacing and indents. Also, please note that the information contained below is single-spaced. These changes were noted in the "The Gregg Reference Manual" – Eighth Edition.

Initials
Attachment(s) – 2
cc: Name(s), rank when applicable, Title(s) and Department if applicable

APPENDICE C
OUT-GOING LETTER

Date

Name
Address
City, State Zip

Subject: (if necessary)

Dear Mr/Mrs Name:

This letter is used when you send correspondence to anyone outside of the Police Department and/or other City offices.

Sincerely,

NAME
Title

Initials
Attachment(s) (if necessary – list number of attachments if more than one)
cc: Name (if necessary)

	Fayetteville Police Department **WRITTEN DIRECTIVE**	**Number** **2.7**
	Subject **RISK MANAGEMENT**	**Effective Date** 07 November 2024
	Revised 06-05-87, 02-25-02, 01-26-2007, 06-26-2008, 09-28-2009, 10-20-10, 02-17-11, 02-15-12, 11-01-12,08-12-13,06-07-18, 09-06-18	**Page** 1 of 3
	CALEA Standard N/A	

2.7.0 OBJECTIVE

To establish a procedure for completing and submitting Risk Management Folders associated with city owned vehicle accidents, damage to city property and third party property damage or injury due to a police action. To establish a procedure for reporting Employee Injuries and Blood-borne Pathogen Exposures.

2.7.1 REPORTING

A. All accidents, including the following will be reported to the employee's immediate supervisor:

1. Employee injuries
2. Employee Blood-borne Pathogen Exposures
3. City vehicle accident
4. Damage to city owned vehicle - Report if the vehicle is in need of repair due to road rock damage, minor dents or scratches, damage incurred by malfunctioning bay doors or if a suspect causes physical damage to the vehicle
5. Accidents and Injuries involving third parties due to a police action

B. The Risk Coordinator is assigned to the City Finance Department which is located in City Hall coordinates directly with the North Carolina League of Municipalities (NCLM) who is the third party administrator for the City for processing claims against the City to include:

1. Liability claims from the public and/or city vehicle accidents,
2. Workers compensation claims and payments.
3. Return to work information and light duty assignment relating to Workers Compensation injuries.

C. All work related medical screenings or direct medical assistance is contracted with the City through the two facilities listed below. All visits to the facilities listed below require an electronic authorization and contact with the City Risk Coordinator must be made prior to taking the injured employee for treatment. If an on-duty related medical emergency occurs the employee should be taken to the nearest hospital.

Concentra Urgent Care
1702 Owen Drive
Fayetteville, NC 28304

First Health Convenient Care
3716 Morganton Road
Fayetteville, NC 28303

D. Prior to completing the required documentation, the immediate supervisor will initiate an investigation of the accident/incident, complete all necessary paperwork for risk management process, and forward the Risk Management Folder to the Specialized Service's Administrative Assistant within 24 hours. If the accident/incident occurs on the weekend or a holiday the Risk Management Folder will be turned in on the next business day.

2.7.2 REPORT FOLDER CONTENTS

The Risk Management Folder must contain all appropriate forms depending on the type of accident/incident that has occurred. The supervisor completing the file will use the Risk Management Folder Checklist POL-130 to ensure that the file is complete.

A. City Owned Vehicle Accident

If the accident is a vehicle collision involving a city vehicle (regardless of who was at fault and amount of damage incurred) the following documentation must be included within the Risk Management folder:

1. Risk Management Folder Content Guide (POL-130)
2. Liability Claim Damage Report (via FayNet).
3. Supervisor's Summary Memorandum (No mention of disciplinary action should be included in this summary).
4. DMV-349 Report (All collisions will be completed on a DMV-349 and if damages are under $1000 with no injuries then the collision should be marked as "Non-reportable").
5. CAD Report
6. Copy of witness statements (if applicable).
7. Color Photographs
8. Any copies of charges filed.

B. Damage To City Property; Third Party Property; Injury To Third Party

If there is damage to City property, third party property is damaged or injury has occurred to a citizen as a result of police action, the following documentation must be included within the Risk Management folder:

1. Risk Management Folder Checklist (POL-130).
2. Liability Claim Damage Report (FayNet).
3. Supervisor's Summary Memorandum (No mention of disciplinary action should be included in this summary).
4. Copies of witness statements (if applicable).
5. Color Photographs

C. Employee Injury/Bloodborne Pathogens Exposure

If an accident involves an employee who was injured, exposed to a blood-borne pathogen, or suffers an illness as a result of an accident/incident while on duty, the following documentation must be included within the Risk Management folder:

1. Risk Management Folder Checklist (POL-130).
2. Employee Accident Report (FayNet) - Print and obtain signatures on the form for the folder.
3. Supervisor's Summary Memorandum (No mention of disciplinary action should be included in this summary).
4. Copies of any medical documents associated with the injury or exposure.
5. Copies of witness statements (if applicable).
6. Color Photographs

2.7.3 SUPERVISOR'S RESPONSIBILITY AND FOLDER ROUTING

A. Supervisors turning in completed Risk Management Folders will send them directly to the Specialized Services Bureau Administrative Assistant within 24 hours of the incident/accident. If the incident/accident occurs on the weekend or holiday, the folder will be turned in on the next business day.

B. Except in cases deemed necessary through a review of Accident Summary or Internal Investigation folders, Risk Management Folders will not be reviewed through the chain of command. Internal Investigation cases identified for chain of command review will contain all documents identified in section 2.7.2.

2.7.4 RISK MANAGEMENT LIAISON RESPONSIBILITY

The Specialized Services Bureau Administrative Assistant or designee will serve as the Risk Management Liaison. The Liaison is responsible for the following:

1. Maintain original files for all employee injuries, accidents and third party incidents as reported by the Supervisor.
2. Maintain a log of all employee injuries, accidents and third party incidents as reported by the Supervisor.
3. Distribute a copy of all files received to the Police & City Attorney, City Safety Officer and City Risk Coordinator.
4. Provide city fleet a copy of all police vehicle damage reports.
5. Provide a copy of all police related vehicle accidents and supporting documents to the Accident Review Board Members, the, Technical Service Lieutenant and Vehicle Technician.
6. Serve on the Accident Review Board under the direction of the chairperson.
7. Provide the North Carolina League of Municipalities with copies of documentation from original risk management files for claims relating to police incidents as necessary.

2.7.5 ACCIDENT REVIEW BOARD

1. The Accident Review Board will review all work-related vehicle accidents and work-related injuries.
2. The Accident Review Board will conduct a monthly analysis of all vehicle accidents and injuries.
3. Within five business days of the review or hearing, the Chairman will forward the following findings and recommendations to the Chief of Police:

   a) Contributing factors, such as condition of equipment, supervisory error, driver negligence or other factors involved in the collision or injury.
   b) Any corrective actions or trainings that may eliminate or reduce further collisions or injuries.
   c) Any changes to existing policies or practices governing vehicle use or equipment use.

2.7.6 REFERENCES

WD 5.5	City Owned, or Leased Vehicle Collision Investigation, Reporting and Review
POL – 130	Risk Management Folder Guide

City of Fayetteville Administrative Policies

By Order Of: Kemberle Braden, Chief of Police
Digitally Signed

1.15.0 OBJECTIVE

To establish guidelines for lactation accommodations for all personnel of the Fayetteville Police Department (FPD). It is the operating procedure of the Fayetteville Police Department to provide reasonable break times during the workday for lactating employees to express milk and to provide an appropriate room for this purpose. This operating procedure applies to all members of the FPD, whether sworn or civilian, including full and part-time, probationary, seasonal, and temporary employees.

1.15.1 INTENT

A. It is the intent of the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for their nursing child (29 USC GS 207 and Labor Code GS 1030-1032).

B. Definitions:

1. Lactation Break- A reasonable period of time during an employee's workday within which the employee may express milk for the employee's nursing child.
2. Lactation Location- A place, other than a bathroom or vehicle, that is shielded from view and free from intrusion from co-workers and the public for use by an employee to express breast milk.

C. Lactation Break Time

1. A rest period should be permitted each time the employee has the need to express breast milk (29 USC GS 207). In general, lactation breaks that cumulatively total 30 minutes or less during any three-hour work period or major portion of a three-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.
2. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be considered unpaid (Labor Code GS 1030).
3. Employees desiring to take a break shall notify their shift supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt routine operations (Labor Code GS 1032).
4. Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

D. Private Location

1. The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place will be in close proximity to the employee's work area.
2. Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized lactation break, except to announce an emergency or other urgent circumstance.
3. Authorized lactation breaks for employees assigned to a particular area may be taken at the nearest appropriate private area.

E. Storage of Breast Milk

1. Employees are responsible for making arrangements for storing expressed milk. Milk may be stored in a refrigerator located at the worksite, provided the refrigerator is not also used for the

storage of biohazards or laboratory specimens. The employee must provide their own containers for expressed milk, which must be concealed in a labeled, personal storage bag.

2. If there is no refrigerator available, employees must provide their own means to store and keep the milk cold, such as a personal storage cooler. If the employee does not have space for a cooler in their designated work area, the Department will provide a location where it can be stored.

F. Retaliation Prohibited

1. This policy strictly prohibits any form of retaliation (or threats of retaliation) for requesting or receiving an accommodation under this policy.
2. Any comments or remarks which may be interpreted as jokes or lewd references related to the facilities or requests for breaks will not be tolerated. Such incidents should be promptly reported to a supervisor and/or Internal Affairs Unit for investigation.
3. Any retaliation will result in disciplinary action, up to and including discharge from employment.
4. Concerns about retaliation should be promptly reported to the Internal Affairs Unit. A Blue Team entry must be made by the offended employee or the Supervisor.

1.15.2 REFERENCES

29 USC GS 207
Labor Code GS 1030-1032

By Order Of: Kemberle Braden
Digitally Signed

	Fayetteville Police Department **WRITTEN DIRECTIVE**	**Number** **2.9**
	Subject **LAW ENFORCEMENT OFFICER SAFETY ACT**	**Effective Date** 21 August 23
	Revised **NEW**	**Page** 1 of 2
	CALEA Standard N/A	

2.9.0 OBJECTIVE

To establish guidelines for qualified former law enforcement officers who have retired from the Fayetteville Police Department (FPD) to receive an identification card, also known as "credentials," from FPD to meet the identification requirement of the Law Enforcement Officer Safety Act (LEOSA).

2.9.1 POLICY

It shall be the policy of the Fayetteville Police Department to provide qualified former law enforcement officers with an identification card that meets the requirements of the Law Enforcement Officer Safety Act.

2.9.2 DEFINITIONS

A. Qualified Former Law Enforcement Officer – a Qualified Former Law Enforcement Officer (QFLEO) means an individual who meets the following:

1. Separated from service in good standing with the FPD as a law enforcement officer;

2. Before such separation, was authorized by law to engage in or supervised the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice);

3. Before such separation, served as a law enforcement officer for an aggregate of 10 years or more; or separated from service with the FPD, after completing any applicable probationary period of such service, due to a service-connected disability determined by this agency;

4. During the most recent 12-month period, has met, at the expense of the individual, the standards for qualification in firearms training for active law enforcement officers, as determined by the FPD, the State in which the individual resides or, if the State has not established such standards, either a law enforcement agency within the State in which the individual resides or the standards used by a certified firearms instructor that is qualified to conduct a firearms qualified test for active duty officers within that State;

5. Has not been officially found by a qualified medical professional employed by the agency to be unqualified for reasons relating to mental health and as a result of this finding will not be issued the photographic identification or has not entered into an agreement with the agency from which the individual is separating from service which that individual acknowledges he or she is not qualified under this section for reasons relating to mental health and for those reasons will not receive or accept the photographic identification;

6. Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

7. Is not prohibited by federal law from receiving a firearm.

2.9.3 REQUESTING CREDENTIAL

An officer retiring with the FPD should request retirement credentials by indicating on form POL-262 his or her desire that the Chief of Police grant the request for retirement credentials.

2.9.4 REQUESTING BADGE

Pursuant to N.C.G.S 20-187.2, a retiring officer at his or her request shall receive at no cost to the officer the badge worn by that officer. Officers should indicate on form POL-262 his or her desire that the Chief of Police grant the request for their badge.

2.9.5 DISCLAIMERS

1. Neither the City of Fayetteville nor the Fayetteville Police Department shall assume any liability regarding any false information provided by the QFLEO.

2. Neither the City of Fayetteville nor the Fayetteville Police Department shall assume any liability, or provide any legal representation or indemnification to a QFLEO, for any act arising from his or her use of a firearm.

3. This policy shall not limit the discretion of the Chief of Police to approve or deny an identification card.

2.9.6 REFERENCES

POL-262	Off-Boarding Request
R.R 15.0	Issuance of Credentials / Weapon and Sale of Badges
N.C.G.S.14-415.26	Certification of qualified retired law enforcement officers
N.C.G.S. 20-187.2	Badges and service side arms
18 U.S.C. 926C	Carrying of concealed firearms by qualified law enforcement officers

By Order Of: Kemberle Braden
Digitally Signed

	Fayetteville Police Department **WRITTEN DIRECTIVE**	**Number** **3.1**
	Subject **OFFICE OF PROFESSIONAL STANDARDS (OPS)**	**Effective Date** 6 March 2026
	Revised 05-05-89, 05-27-93, 11-19-93, 10-06-97, 02-25-02, 01-26-07, 02-25-11, 08-29-2011, 09-11-13, 02-01-14, 06-25-14, 08-30-16, 06-07-18, 04-27-21, 07-07-22, 04-14-25, 09-03-25	**Page** 1 of 3
	CALEA Standard 1.2.9, 12.2.1, 22.4.2, 26.1.6, 26.1.8, 26.2.1, 26.2.2, 26.2.3, 26.3.2, 41.2.2	

3.1.0 OBJECTIVE

It is the mission of the Office of Professional Standards to ensure public confidence in the department through objective and thorough investigations of all allegations of employee misconduct.

3.1.1 PROTECTIVE GOALS

A. Any misconduct by FPD personnel must be thoroughly investigated and properly reviewed to ensure the maintenance of efficient, fair and impartial law enforcement.

B. While the purpose of these investigations is to identify any potential policy or procedural violations, they are also designed to protect employees against false allegations of misconduct. This can only be accomplished through a consistently thorough investigation process.

C. The FPD is often evaluated and judged by the conduct of individual members. It is imperative that the entire organization not be subject to public censure because of misconduct by a few of its personnel. When an informed public knows that FPD honestly and fairly investigates and reviews all allegations of misconduct, the public will be less likely to feel any need to raise a cry of indignation over alleged incidents.

D. Personnel who engage in continuous or serious acts of misconduct demonstrate that they are unfit for law enforcement work and must be removed for the protection of the public, the FPD and the department's employees.

E. The FPD continually seeks to improve the efficiency of its operations and personnel. Administrative investigations sometimes reveal faulty procedures that would have otherwise gone undetected as well as practices that are not consistent with current policy. This is a positive byproduct of the process and encourages policy review for policies that may be inconsistent and outdated.

F. Supervisors conducting internal investigations should identify inconsistencies and make recommendations in the course of their investigative process. The Chief of Police or his/her designee will have the authority to improve or correct policies and procedures when a deficiency is found.

3.1.2 AUTHORITY

A. In accordance with CALEA Standard 26.2.3, The Office of Professional Standards (OPS) Commander is appointed by and shall report directly to the Chief of Police. The OPS Commander is under the direct supervision of the Chief of Police and has the authority and responsibility to initiate administrative investigation into employee misconduct.

B. The Internal Affairs Unit works under the direction of the OPS Commander. The Internal Affairs Unit is a fact finding internal investigative unit. The Internal Affairs Unit is responsible for investigating serious allegations of employee misconduct and handles internal investigations for the Fayetteville Police Department.

C. Internal Affairs Investigators will have the authority to access all department records, reports, equipment and areas under control of the FPD for the purpose of making a complete investigation of alleged misconduct.

3.1.3 UNITS ASSIGNED

A. The office of professional standards consists of the following units which report directly to the OPS commander. All members of ops may assist with departmental planning, researching, and development.

1. Internal Affairs Unit
2. Quality Assurance Unit
3. Accreditation (refer to OP 10.01, Departmental Planning, Research, and Development)

3.1.4 INTERNAL AFFAIRS RESPONSIBILITIES

A. Citizen Complaints

1. The Internal Affairs Unit, along with all departmental personnel, will take complaints, including anonymous complaints, during normal working hours.
2. If the complaint is regarding an employee who is on duty, then the complaint will be referred to the appropriate on duty supervisor.
3. The Internal Affairs Unit will immediately brief the Chief of Police on all serious complaints of misconduct against the agency or its employees. The Chief of Police will be updated by the Internal Affairs Unit on all other complaints and/or infractions during a weekly Internal Affairs briefing. Please reference Written Directive 3.2: entitled Complaint/Compliment Procedure.

B. Internal Investigations

1. Under the direction of the OPS Commander, the Internal Affairs Unit will conduct internal investigations into serious allegations of misconduct, officer involved shootings, death in custody and any other complaint as directed by the Chief of Police.
2. Internal investigations involving criminal allegations will be conducted in accordance with Operating Procedure 1.1: entitled Internal Administrative Investigation Procedure.

3.1.5 REPORTING REQUIREMENTS

A. Annual statistical data is compiled by OPS based on internal investigative data. Internal investigations are classified into six categories:

1. Departmental Investigations
2. Citizen Complaints
3. Use of Force
4. Vehicle Pursuits
5. Vehicle Accidents
6. Quality Reviews

Statistical summaries are made available to the public and agency personnel upon request.

B. OPS will complete an annual report that will identify and analyze any trends, patterns or areas of concern, policy and procedural recommendations as well as training opportunities for improvement. The annual report will include, at a minimum, a documented administrative review of the following activities:

1. Departmental Investigations
2. Vehicle Accidents
3. Citizen Complaints
4. Asset Forfeiture
5. Traffic and Field Contacts
6. An administrative review of agency practices including citizens' concerns with regard to biased based policing
7. Analysis of vehicle pursuit reports and review of pursuit policies and reporting procedures
8. Analysis of use of force activities, policies and practices
9. Training Deficiencies

a) Once completed and approved by the Chief of Police, the Office of Professional Standards annual report will be made available to the public and FPD employees via the FPD website.

C. The OPS Commander is responsible for distributing weekly notifications regarding overdue administrative investigative files. Any pending investigation not assigned to Internal Affairs will be distributed via email to the appropriate investigating supervisor, chain of command, and to the City Manager.

3.1.6 DISCIPLINARY ACTIONS / GRIEVANCES

A. A representative from the Internal Affairs Unit will coordinate and be present for grievance hearings with the Chief of Police and with the City Manager when a grievance is not resolved at the department level. A copy of all grievances resolved at the Department level will be forwarded to Human Resources Development Department for the employee's personnel file and for conducting the annual analysis of grievances.

B. The Internal Affairs Unit is responsible for completing a "Notice of Disciplinary Action" form for final disciplinary recommendations of policy warning or greater.

C. When notified, the employee will report to the OPS so that one of the IAU supervisors can complete the service of disciplinary action on the employee.

3.1.7 EMPLOYEE FILES

A. OPS maintains a secured employee file for each employee that works for the FPD.

1. These files include background information and a digital file for disciplinary history and letters of appreciation.
2. The employee file room is only accessible by the Chief of Police, and current members assigned to the Internal Affairs Unit.

B. OPS also maintains and houses a separate secured filing system of all medical information regarding employees. These medical files are only accessible by the Chief of Police, and current members of the Internal Affairs Unit.

C. Internal administrative investigative files where an employee receives disciplinary action are a part of the employee's permanent employee file and are secured in IAPro.

D. The employee's personnel file is maintained by the City of Fayetteville's Human Resource Development Department. However, it is not a duplicate of the entire employee file maintained by the Office of Professional Standards. Policy Warnings do not become apart of an employee's City of Fayetteville Human Resource's file and are only recognized by the police department as a form of discipline.

3.1.8 REFERENCE

W.D. 3.2	Complaint/Compliment Procedure
W.D. 3.3	Disciplinary Action Procedure
O.P. 1.1	Internal Administrative Investigation Procedure
OP 10.01	Departmental Planning, Research, and Development

City of Fayetteville Employee Relations Manual
N.C.G.S. 160A-168 Privacy of Employee Personnel Records

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

	Fayetteville Police Department **WRITTEN DIRECTIVE**	**Number** **3.2**
	Subject **COMPLAINT/COMPLIMENT PROCEDURE**	**Effective Date** 6 August 2025
	Revised 03-20-89, 05-12-93, 10-01-97, 01-18-01, 02-25-02, 06-24-02, 12-15-04, 4-30-08, 1-05-10, 09-13, 4-15-15, 06-07-18, 09-17-20, 07-07-22	**Page** 1 of 3
	CALEA Standard N/A	

3.2.0 OBJECTIVE

To establish a procedure for receiving and addressing complaints or compliments on employees of the Fayetteville Police Department (FPD). While the openness of the FPD to the acceptance of a complaint is a principal element of police professionalism and community responsiveness, our goal is to also protect our employees against false allegations and ensure that accused employees are treated fairly.

3.2.1 ACCEPTING A COMPLAINT

A. All employees, are responsible for accepting complaints, documenting them in the appropriate manner and forwarding them to the respective chain of command.

B. A complaint can come from external and internal sources. No complaint should be eliminated or refused due to arbitrary criteria.

C. A personnel complaint may be presented to the FPD in person, anonymously, by telephone, by letter or received via the FPD's website or City of Fayetteville's website, or social media.

D. No employee will attempt to discourage, prevent, interfere or delay an individual from making a complaint.

E. All employees are responsible for ensuring complaints are received. Non-Supervisory employees who receive complaints will immediately notify an on-duty supervisor who will then make contact with the citizen.

F. If the complaint is regarding an employee who is on duty, the complaint will be referred to the appropriate supervisor of the involved employee.

G. If the employee is not on-duty and the complaint cannot be immediately handled or mediated, the employee and/or supervisor will record the complaint and forward it to the appropriate supervisor via email.

3.2.2 MEDIATING A COMPLAINT

A. Some complaints are very minor. By taking time to listen to the complaint at the initial contact, it may be possible to resolve an issue through mediation.

B. Supervisors are encouraged to mediate minor complaints which may be resolved at the initial contact with the complainant.

C. Mediated complaints do not require a Blue Team entry, however, the supervisor should keep records on how the complaint was mediated.

3.2.3 RECEIVING / PROCESSING A COMPLAINT

A. When supervisors receive notice that a complaint has been filed, the supervisor will verify if a Blue Team entry for a "Citizen Complaint" has been entered.

B. Supervisors will contact a citizen upon their next duty day of receiving a complaint and advise the citizen the complaint has been received and is being investigated.

C. Contact with the citizen will be documented and included in the supervisory response.

D. Supervisors will complete and upload all necessary forms and documentation required as prescribed in Operating Procedure 1.1: Internal Administrative Investigation Procedures.

E. "Citizen Complaint" entries in Blue Team will be completed and forwarded through the chain of command within the timeframe prescribed in Operating Procedure 1.1, Internal Administrative Investigation Procedures. The only exception to this is "Positive Compliments", which do not have to be forwarded through the chain of command as they do not require secondary review or approval. Additional time may be granted at the approval of the Internal Affairs Commander.

3.2.4 DISPOSITION OF A COMPLAINT

A. At the conclusion of the investigation, the "Citizen Complaint" will be forwarded through the appropriate chain of command up to the rank of Captain. Each supervisory level will indicate a recommendation for closure.

B. After receiving the investigation, the District/Unit Captain will forward the "Citizen Complaint" to the IA Commander with their recommendation(s).

C. The IA Commander will conduct a quality control check of the "Citizen Complaint" and prepare the file for data entry and file maintenance.

D. The Internal Affairs Unit will brief the Chief of Police on all internal administrative investigations for final disciplinary disposition.

E. Upon review by the Chief of Police and after a final decision has been rendered, the "Citizen Complaint" will be released in IA Pro and maintained as a matter of record.

F. A notification letter will be mailed by IAU or by electronic communication to the citizen complainant advising them that the investigation has been concluded and the appropriate action has been taken.

G. "Citizen Complaints" can be tracked by an employee's name and can assist in indicating a pattern of poor performance.

H. A citizen's name can also be tracked to see if a pattern of complaining exists.

I. Employees under investigation will receive a letter from IAU to inform them whether the complaint was unfounded, not sustained, or if they have been exonerated.

J. If the complaint is sustained the employee will be notified of what the final disciplinary action would be on a Disciplinary Action form.

3.2.5 POSITIVE COMPLIMENTS

A. Part of maintaining a professional environment and the morale of FPD employees is acknowledging a job well done.

B. Compliments towards an employee can come from internal or external sources, however, only external compliments will be entered into Blue Team. Internal compliments should be documented on a PM-5.

C. Compliments towards an employee can be documented through a "Positive Compliment" entry in Blue Team.

D. Like a citizen complaint, it is the responsibility of all employees to accept compliments on employees and forward the information to the appropriate supervisor for a "Positive Compliment" entry into Blue Team.

E. Supervisors are encouraged to complete a "Positive Compliment" in Blue Team when they have received a compliment on an officer.

F. "Positive Compliments" will be recorded in Blue Team and forwarded to the Internal Affairs Unit for filing. "Positive Compliments" are not required to go through the chain of command for review. If the "Positive Compliment" is entered into Blue Team by an employee's supervisor, then the supervisor will forward the Blue Team entry to the Internal Affairs Unit for closing. If the positive compliment is entered by IAU personnel, an email notification will be generated to notify the employee and their supervisor of the receipt of the compliment as the compliment will not be forwarded to the employee's chain of command for review.

G. All "Positive Compliments" will be maintained in the employee's "resume" folder contained within the IAPro system and should be used when completing Performance Management Evaluations, selection for a specialized assignment and promotion processes as part of an employee file review.

3.2.6 REFERENCES

W.D. 3.1	Internal Affairs Unit
W.D. 3.7	Employee Early Warning System
O.P. 1.1	Internal Administrative Investigation Procedure

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

	Fayetteville Police Department		Number
	WRITTEN DIRECTIVE		**3.3**
	Subject **DISCIPLINARY ACTION PROCEDURE**		
	Last Revised 24 August 2026	Effective Date 04 September 2026	**Page** 1 of 5

3.3.0 OBJECTIVE

To establish guidelines to ensure the police disciplinary matrix of the Fayetteville Police Department (FPD) is fair, consistent, and procedures are clearly established. Disciplinary action is taken in an attempt to correct conduct, performance, or deficiencies.

3.3.1 DEFINITIONS

A. Progressive Discipline - In accordance with the City of Fayetteville's Employee Relations Manual the city will use a progressive disciplinary process when appropriate. It is not necessary for employees to violate the same rule before they progress to the next step in the process. Depending on the seriousness of the violation, steps may be skipped in the process. Additionally, depending upon the seriousness of the violation, the disciplinary process can be started at any step, up to and including a Consideration of Dismissal.

B. Policy Warning - A policy warning serves as formal counseling to an employee that is used internally within the police department to correct a deficiency or infraction of a rule or as a process that provides mentoring, coaching, or advisement of a specific policy that has been violated. A policy warning **does not** become a permanent record in an employee's personnel file maintained at Human Resources.

C. Documented Oral Counseling – Documented Oral Counseling is meant to remind the employee of what they have violated to prevent it from recurring. Documented Oral Counseling becomes a permanent record in an employee's personnel file maintained at Human Resources.

D. Written Reprimand - Written Reprimands are issued for continued violations (of the same or different rules) or when a violation is serious enough, as deemed by the department director, to warrant more than a documented Oral Counseling. Written Reprimands become a permanent record in an employee's personnel file maintained at Human Resources.

E. Suspension – Suspensions may be issued for continued violations (of the same or different rules) or when a violation is serious enough, as deemed by the department director to warrant more than a Written Reprimand. A suspension can range from eight (8) to one hundred sixty (160) hours. Suspensions are to be recommended in eight (8) hour increments only. Suspensions become a permanent record in an employee's personnel file maintained at Human Resources.

F. Consideration of Dismissal- An employee may be issued a Consideration of Dismissal without prior disciplinary actions. An employee may be given a Consideration of Dismissal for the following reasons, which are representative but not exclusive reasons for dismissal:

1. Continued violations of Rules and Regulations, Written Directives, Operating Procedures, and/or city of Fayetteville Policies and Procedures; and/or
2. Continued performance deficiencies; and/or
3. A serious or flagrant violation.

G. At-Will Employment: The City of Fayetteville is an "at-will" employer. Employees may leave employment at their discretion and employees may be relieved of their duties at the City's discretion provided that the reason for the City's decision is not discriminatory or unlawful.

3.3.2 INVESTIGATING SUPERVISOR PROCESS OVERVIEW

All internal administrative investigations will be completed in accordance with Operating Procedure 1.01: Internal Administrative Investigation Procedure.

3.3.3 PROGRESSIVE DISCIPLINE

A. **A.** The Fayetteville Police Department is committed to utilizing progressive discipline, except in the most egregious circumstances as steps can be skipped. Additionally, depending upon the seriousness of the violation, the disciplinary process can be started at any step, up to and including a Consideration of Dismissal.

B. Disciplinary actions are intended to correct conduct, performance issues, or other deficiencies. The Chain of Command may recommend disciplinary measures by selecting the lowest level of discipline outlined in the Disciplinary Matrix that they believe is necessary to effectively address and correct the issue. These recommendations are reviewed and considered by the Chief of Police prior to the issuance of any disciplinary action.

C. Listed below is a guide of the most common violations of conduct, which is, categorized by severity. The guide progresses from a non-adverse, policy warning, oral counseling, and written reprimand to recommendations for adverse action discipline, which includes; suspension, demotion and termination. The below listed disciplinary matrix aims to achieve fair and consistent discipline as well to provide predictability to our employees.

D. Category I Conduct Disciplinary Matrix

Listed below are types of conduct that may be addressed by a policy warning. When progressive discipline is used, continued violations (of the same or different rules) within a one-year period may be classified as a Category II conduct or higher.

1. Failure to use De-escalation tactics (Rules and Regulations 5.4.0).
2. Unsatisfactory Performance (Rules and Regulations Sections 7.0, 7.0.1, 7.0.2).
3. Reporting for Duty (Rules and Regulations 7.1.0).
4. Neglect of Duty (Rules and Regulations 7.8 all sections).
5. Conduct (Rules and Regulations 12.1.0).
6. Courtesy (Rules and Regulations 12.2.0).
7. Failure to provide name and badge number (Rules and Regulations 12.3.2).
8. Absence from Work (Rules and Regulations 12.4.0, 12.4.1, 12.4.2).
9. Vehicle Operations including minor preventable single car vehicle collisions with minimal damage and no injuries (Rules and Regulations 13.1.1).
10. Internal Administrative Investigation Procedures (O.P. 1.1).
11. Patrol Operations (O.P. 3.1).
12. Law Enforcement Recordings (O.P. 3.24).
13. Collision Reporting and Investigation (O.P. 9.1).
14. Traffic Law Enforcement (O.P. 9.5).
15. Secondary Employment (W.D. 2.2).
16. Personal Social Media Violation (W.D. 3.8).
17. Patrol Vehicle Cleanliness (W.D. 5.3).
18. Uniform and Appearance Policy (W.D. 5.4).
19. Failure to Supervise (Rules and Regulations 7.2.0).
20. Departmental Records, Reports, and Citations (Rules and Regulations 7.4.0).
21. Any other minor violation of any departmental procedures that are not otherwise specified in this guide.

E. Category II Conduct Disciplinary Matrix

The following types of conduct are considered to be more serious than those listed in Category I and may be addressed with oral counseling. Progressive discipline may be used, so that continued violations (of the same or different rules) within a two-year period may be classified as Category III conduct or higher.

1. Employee previously received a Policy Warning for a sustained Category I Conduct (of the same or different rules) within a one-year period.
2. A repeat violation of the same sustained Category I Conduct within a two-year period.

3. Preliminary/Follow-up and Constitutional Requirements (O.P. 5.7).
4. Unbecoming Conduct (Rules and Regulations Sections 3.0, 3.0.1, 3.0.3, 3.0.4).
5. Preventable vehicle collisions where there are no injuries and damages are less than $10,000 (Rules and Regulations 13.1.1).
6. Damage to or Loss of City Property or Equipment (Rules and Regulations 13.3.0 examples: Loss of non-sensitive items such as flashlights, handcuffs, ASP baton, etc.).
7. Stopping and Approaching the Traffic Violator and Known Risk Traffic Stops (O.P. 3.10).
8. Emergency Response and Pursuits (W.D. 4.2).
9. Case Management Systems (O.P. 5.6).
10. Any other violation of any departmental procedures that are not otherwise specified based on comparable Category II offenses.

F. Category III Conduct Disciplinary Matrix

The following types of conduct may be addressed with a written reprimand. Progressive discipline may be used so that continued violations (of the same or different rules) within a two-year period may be classified as Category IV conduct or higher.

1. Employee previously received Oral Counseling for a sustained Category II violation (of the same or different rules) within a two-year period.
2. Failure to Render Medical Aid (Rules and Regulations 6.0).
3. Failure to assist fellow employees (Rules and Regulations 7.7.0).
4. Insubordination (Rules and Regulations 8.0).
5. Abuse of position (Rules and Regulations 10.0).
6. Securing, Searching, and Transporting Arrested People (O.P. 3.5).
7. Arrest, Search, and Seizure (Rules and Regulations 5.2.0).
8. Escape from Custody (Rules and Regulations 5.3.1).
9. Preventable vehicle collisions resulting in more than $10,000 in damages, injury, or gross negligence (Rules and Regulations 13.1.1).
10. Damage to or Loss of City Property or Equipment (Rules and Regulations 13.3.0 examples: Loss of sensitive items such as ballistic vest, radio, Badge, Credentials, etc).
11. Any other violation of any departmental procedures that are not otherwise specified based on comparable Category III offenses.

G. Category IV Conduct Disciplinary Matrix

The following type of conduct may often be addressed with a suspension without pay for a minimum of 8 hours to a maximum of 160 hrs or demotion. Progressive discipline may be used, so that continued violations (of the same or different rules) within a two-year period may be classified as Category V conduct.

1. Employee previously received a Written Reprimand for a sustained Category III violation (of the same or different rules) within a two-year period.
2. Damage to or Loss of City Property or Equipment (Rules and Regulations 13.3.0 examples: Loss of very sensitive items such as firearms, magazines loaded with ammunition, Taser, failure to get preventative maintenance completed on assigned vehicle which causes the engine to blow, etc.).
3. Duty to Intervene (W.D. 1.9).
4. Court attendance and Response to Court Subpoenas (W.D. 2.4).
    a. The first violation will result in an 8-hour suspension without pay, thirty (30) day suspension of Secondary Employment privileges, a thirty (30) day suspension of Vehicle Take-Home privileges, and ineligibility for overtime or any additional hours for a period of thirty (30) days.
    b. The second violation will result in a 16-hour suspension without pay, sixty (60) day suspension of Secondary Employment privileges, a sixty (60) day suspension of Vehicle Take-Home privileges, and ineligibility for overtime or any additional hours for a period of sixty (60) days.
    c. The third violation will result in a 32-hour suspension without pay, ninety (90) day suspension of Secondary Employment privileges, a ninety (90) day suspension of Vehicle

Take-Home privileges, and ineligibility for overtime or any additional hours for a period of ninety (90) days.

d. A fourth violation will result in disciplinary action up to and including a consideration of dismissal.

5. Any other violation of any departmental procedures that are not otherwise specified based on comparable Category IV offenses.

H. Category V Conduct Disciplinary Matrix

The following types of conduct are considered the most egregious and may result in a Consideration of Dismissal / termination of employment:

1. Employee previously received Suspension without pay for a sustained Category IV violation (of the same or different rules) within a two-year period.
2. Violations of Law (Rules and Regulations 5.0).
3. Treatment of Persons in Custody (Rules and Regulations 5.3.0).
4. Sexual, Ethnic, Racial or Religious Harassment (Rules and Regulations 5.5.0).
5. Consumption of/intoxication by alcohol or drugs while on duty. (Rules and Regulations 3.0.5, 3.0.6, 3.0.7, and 3.0.8)
6. Truthfulness and Cooperation / Verbal or in Writing (Rules and Regulations 8.5.0)
7. Use of excessive force (W.D. 4.1 Less Lethal Use of Force and Reporting, W.D. 4.10 Conducted Energy Weapon, W.D. 4.11 Use of Deadly Force and Reporting)
8. Uniform and Appearance Policy regarding prohibited tattoos (W.D. 5.4)
9. Any serious incident as outlined in the City of Fayetteville's Employee Relations Manual.
10. Any other violation of any departmental procedures that are not otherwise specified based on comparable Category V offenses.

3.3.4 CONSIDERATION OF PRIOR DISCIPLINE

A. Supervisors must review the total work history of the employee in consideration of correcting an employee's misconduct. The review process serves to accomplish the following:

1. While the formal discipline matrix considers repeat offenses with a specified period for progressive discipline purposes, the full disciplinary history maybe reviewed for context or patterns of misconduct.

3.3.5 DISCIPLINARY ACTION

A. Disciplinary action is taken in an attempt to correct conduct, performance, or deficiencies.

B. While discipline should not be arbitrarily stacked, multiple violations in one incident should inform the overall severity and context of the recommendation. The most severe level of discipline should be applied, while considering lesser sustained violations as aggravating factors in determining the appropriate level.

3.3.6 DISCIPLINARY ACTION APPEALS

An employee may appeal any disciplinary recommendation. All employees should review the City of Fayetteville's Employee Relations Manual Article VIII entitled Grievance Procedure.

3.3.7 WORK PROBATION

A. Work probation can be used in the disciplinary process (attached to a specific disciplinary recommendation) as a condition of continued employment.

B. When an employee has established a history or pattern of disciplinary actions, a supervisor, prior to recommending termination, may recommend a suspension with the condition that the employee be placed on work probation.

C. When appropriate, this step may be used as a final attempt by the department to salvage an employee who is border line in behavior and/or work performance.

D. Supervisors will submit a monthly update for the duration of the employee's work probation through the chain of command to the Office of Professional Standards.

E. Supervisors must have sufficient documentation to substantiate that the employee has received corrective and disciplinary actions in the past that would support this recommendation.

3.3.8 REFERENCES

O.P. 1.1	Internal Administrative Investigation Procedure
O.P. 1.3	Performance Management

City of Fayetteville's Employee Relations Manual

CALEA Law Enforcement Standards	26.1.4, 26.1.5, 26.1.6
CALEA Communications Standards	N/A
CALEA Training Academy Standards	N/A

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

3.5.0 OBJECTIVE

To establish guidelines for media relations. This order should not be construed as a denial to the news media of their right to accomplish their assignment nor restrict the rights granted to them by the Constitution of the United States or laws of the State of North Carolina.

3.5.1 LEGAL AUTHORITY

A. The Fayetteville Police Department will make information available to the media in a timely manner. North Carolina General Statute 132-1.4 (c) provides that the following information shall be public record:

1. The time, date, location and nature of a violation or apparent violation of the law reported to a public law enforcement agency.
2. The name, sex, age, address, employment and alleged violation of law of a person arrested, charged or indicted.
3. The circumstances surrounding an arrest, including the time and place of the arrest, whether the arrest involved resistance, possession or use of weapons or pursuit and a description of any items seized in connection with the arrest.
4. The name, sex, age, address of the complaining witness.

B. Most of the above information is included on the first page of the Crime/Incident Report (CIR). However, some of this information is located on the back page and supplemental reports. It is the responsibility of the Public Information Officer (PIO) or the Internal Affairs Unit (IAU), during business hours, and the on-duty supervisor, during evenings, weekends and holidays, to assist the media in obtaining the information that they are entitled to have.

C. Police and traffic crash reports are available on the Fayetteville Police Department website for view by the media and general public. The web address is www.faypd.com.

3.5.2 NORTH CAROLINA GENERAL STATUTE 132-1.4 (D)

A. This statute states, in part; a public law enforcement agency shall temporarily withhold the name or address of a complaining witness (the victim) if release of the information is reasonably likely to pose a threat to the mental health, physical health or personal safety of the complaining witness or materially compromise a continuing or future criminal investigation or criminal intelligence operation. Information temporarily withheld under this subsection shall be made available for release to the public in accordance with North Carolina General Statute 132-6 as soon as the circumstances that justify withholding it cease to exist.

B. The above paragraph will apply at the request of the victim if a supervisor determines that the above criteria have been satisfied. Officers are discouraged from soliciting victims to request that their name be withheld. Since this is a media sensitive issue, supervisors must be consulted when this request is made.

3.5.3 MEDIA INTERACTION

A. The Fayetteville Police Department will hold a meeting with the news media whenever there is a policy revision to solicit input from members of the media that can help lead to more effective working relationships. This meeting will include discussion about policies and procedures so the input received can be considered in the policy review process.

B. The goal of this department is to encourage fair media coverage. To do this we must provide appropriate information to the media during and after business hours. This requires all personnel

responsible for public information to respond in a manner of mutual cooperation and assist the media in obtaining the information they need, in accordance with the law and in a timely manner.

3.5.4 PUBLIC INFORMATION OFFICER

A. The PIO is assigned to the Chief's Staff Unit and is responsible for coordinating the release of information to the media Monday through Friday during normal working hours. Upon request and as information becomes available regarding previous or ongoing incidents/investigations, the PIO will pass along information to the media.

B. The PIO will conduct or coordinate feature story interviews requested by media representatives. Supervisors will contact the PIO or a representative of the IAU when the media makes a request of this nature.

C. Command Staff will contact the PIO, the Crimestoppers Coordinator/Alternate PIO or a representative of IAU when a press conference needs to be scheduled.

D. The PIO is responsible for identifying newsworthy information within the department. This information will be used to develop public relations material and press releases which will be disseminated to the media. These documents may include the use of crime prevention, crime trends and safety measures. This information can be obtained through daily contacts with the different Bureaus, Divisions and Units.

E. Media representatives and the public can view current press releases via the police department's website at www.faypd.com.

3.5.5 CONTACT

After business hours and on weekends and holidays, the on-duty supervisor will utilize the on-call roster to contact the PIO who will respond to the following situations:

1. Hostage Situations
2. Police-Related Shootings
3. Other events generating a significant level of media attention

3.5.6 SUPERVISORS

A. Supervisors are required to ensure that the media is provided with appropriate information regarding current events and details of serious incidents. It is the responsibility of each supervisor to assist in the coordination of accurate information. In the absence of the PIO, the Crimestoppers Coordinator/Alternate PIO or IAU representative, a Sergeant or above will coordinate the efforts to assure compliance.

B. In accordance with NCGS 132.1.4, Supervisors may be required to give additional information to the media regarding reports. It is crucial that Supervisors recognize their responsibility to assist the media within the policy guidelines.

C. All supervisors are authorized to draft press releases at night, and on weekends and holidays when a particular incident does not require the PIO to respond but the information is of interest.

3.5.7 POLICE REPORTS AVAILABLE FOR PUBLIC DISSEMINATION

A. Media representatives and the general public can obtain copies of crime/incident reports and traffic accident reports via the police department's website at_www.faypd.com. Traffic accident reports may also be obtained directly from the North Carolina DMV website at www.ncdot.gov.

B. On occasions when the FPD website is down or NC DMV is unavailable, media representatives or the general public may obtain copies of crime/incident reports and crash reports from the Central Records Unit (CRU) upon approval from a CRU supervisor, PIO, or police supervisor.

C. When additional crime or incident information is requested by the media during normal working hours, media representatives will be directed to contact the PIO, Crimestoppers Coordinator/Alternate PIO or IAU. If the PIO or IAU representative is not available or the request is made after normal working hours, media representatives will be directed to the on duty patrol supervisor.

3.5.8 INFORMATION NOT TO BE RELEASED

The following information will not be released:

A. Specific information in which public disclosure could jeopardize the apprehension of a suspect, an investigation or the prosecution of an offender.

B. Name, address and photograph of a suspect(s) or person(s) suspected of a crime or wanted for questioning when that information could jeopardize the investigative process. Oftentimes, the news media will assist us with the investigation when we are trying to locate a subject.

C. The identity, testimony or credibility of any prospective witness.

D. Opinions concerning guilt or innocence, the merits of the case or the strength of the evidence. Arrest records or statements regarding the character or reputation of the accused.

E. Information regarding the existence or contents of any incriminating statement or confession. The refusal or failure of an accused to make any statement or the possibility of a guilty plea to the offense or of a lesser offense.

F. Information concerning the performance of any examination or tests: such as, a Computer Voice Stress Analyzer (CVSA) or Polygraph or the refusal to submit to such tests.

G. Information that would only be known by the suspect. For example, how the crime was committed, caliber of weapon used, etc.

H. Any information identifying juvenile offenders, to include name, address or telephone numbers of suspect(s).

I. Information concerning the construction, content or mechanism of any explosive or incendiary device to include false bombs.

J. Official photographs that form part of an investigation.

K. Information received from other law enforcement agencies unless authorized by the Chief of Police or their designee.

3.5.9 CRIME/INCIDENT SCENES

A. Crime/incident scenes will be secured in a manner that is obvious to the public and the media. Crime scene tape will be used to establish the perimeter of the secured crime scene area. Media personnel will not be allowed access into the area as long as the investigation is ongoing.

B. Media representatives with appropriate identification will be admitted on foot, past police or fire barricades and roadblocks but will not be allowed into the secured crime scene area. Media representatives will be permitted free access on any street, sidewalk or public area but subject to the restrictions noted above.

C. Reasonable effort will be made by the ranking supervisor at the scene to inform the media of the basic facts regarding a crime/incident. Detailed information will be furnished by a representative from the PIO if they respond or by the supervisor as soon as practical. Supervisors must remain aware of media time deadlines and assist the media when practical.

D. The media can photograph crime/incident scenes at their discretion and will assume full responsibility for the use of such photographs or films. **Police personnel will not prohibit photographers from fulfilling their tasks, provided the photographers are situated outside the secured crime scene area** as designated by the detective or supervisor until processing of the scene is complete. No employee will deliberately pose a person under police control for photographs or filming.

E. The PIO or the supervisor in charge of the incident will designate a location where information will be disseminated to the media during an unusual occurrence, natural disaster or other event generating significant media attention.

F. At the completion of the crime/incident scene investigation, media representatives will not be denied access onto privately owned grounds. It is the responsibility of the controller of private properties to deny or permit entry.

G. If an officer observes a media representative interfere or commit a criminal violation, that person will be treated the same as any other citizen. The officer will immediately report any media interference or criminal violation to the PIO. An investigation into the matter will be conducted and the representative's supervisor will be notified.

H. The Fire Department is responsible for releasing information to the media at fire scenes except when the fire is determined to be intentionally set. The Police Department responds to the media in reference to arson investigations. It is the Police Department's responsibility to provide traffic and crowd control at the direction of the Fire Department Commander. Blockades established for traffic control purposes are not meant to disallow media access to the scene. Media access to the scene is allowed at the discretion of the Fire Department scene commander. Media personnel will not enter the secured incident/crime scene area.

3.5.10 PERSONNEL INFORMATION

A. In accordance with NCGS 160A-168 the following is a matter of public record with respect to city employees:

1. Name
2. Age
3. Date of original employment or appointment to service
4. Current position title
5. Current salary
6. Date and amount of the most recent increase or decrease in salary
7. Date of the most recent promotion, demotion, transfer, suspension, separation or other change in position classification
8. The office to which the employee is currently assigned
9. Date and type of each dismissal, suspension or demotion for disciplinary reasons taken by the municipality. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the municipality setting forth the specific acts or omissions that are the basis of the dismissal

B. All inquiries regarding the above information will be referred to the Human Resource Development Department (HRDD) for verification and release. Information regarding internal investigations other than what is cited above is not public information.

By Order Of: Gina V. Hawkins
Digitally Signed

3.5.11 OFFICER INVOLVED CRITICAL INCIDENTS

The Fayetteville Police Department is committed to keeping our citizens informed by providing the highest level of transparency and accountability. In the event of an officer involved critical incident, it is the goal of the Fayetteville Police Department to furnish timely accurate information to the public. The below protocol will be followed when releasing information pertaining to such cases.

A. Initial Response & Primary Briefing

1. The Public Information Officer (PIO), or their designee, is responsible for coordinating the initial release of information to the media and public after an officer involved critical incident.
2. The PIO, or their designee, will immediately respond to the scene of the incident to coordinate the collection of information to be disseminated to the public and media.
3. The PIO, or their designee, will notify the media, via email, within two (2) hours of the initial response or as soon as practicable, when an officer involved critical incident occurs.
4. The PIO, or their designee, will coordinate and manage on-scene media for an initial press conference briefing.
5. The PIO, or their designee, will establish a media staging area.
6. The PIO, or their designee, will attend the initial incident briefing.
7. The PIO, or their designee, will gather all relevant information and coordinate with the Chief of Police, IA investigator, CIRT, and the Homicide Unit Investigator to develop an initial media response.
8. The Chief of Police, or their designee, will provide the initial statement to the media within four (4) hours of the initial incident notification.
9. The PIO, or their designee, will disseminate a written media release summarizing the initial incident statement after the completion of the press conference briefing.
10. The name of the deceased, if applicable, will not be disseminated until the Next of Kin notification has been completed.
11. The name of the involved officer will be released, through a media release by the PIO's office, at a practical time after 48 hours of the initial incident notification.
12. If, at any point after the primary press conference concludes, significant information becomes available, the Chief of Police, or their designee, will provide the new information via press conference briefing or email media release.

B. Final Disposition Briefing

1. The Chief of Police, or their designee, will provide a press conference briefing to the media when the State Bureau of Investigation and the Cumberland County District Attorney's Office have rendered their conclusions.
2. The PIO, or their designee, will disseminate a written media release summarizing the incident after the completion of the press conference briefing.

3.5.12 SPECIAL INFORMATION

Special situations will require one or more agencies to coordinate a joint release of information. However, basic circumstances surrounding an incident/crime should be released as soon as possible. When other public service agencies are involved in an incident/crime, the department will attempt to coordinate a joint release of information.

3.5.13 REFERENCES

North Carolina General Statute 132-1.4 (c)
North Carolina General Statute 132-1.4 (d)
North Carolina General Statute 132-6
North Carolina General Statute 160A-168

By Order Of: Gina V. Hawkins
Digitally Signed

	Fayetteville Police Department **WRITTEN DIRECTIVE**	**Number** **3.7**
	Subject **EMPLOYEE EARLY WARNING SYSTEM**	**Effective Date** 10 June 2026
	Revised 02-25-02, 10-21-05, 11-13-13, 6-28-16, 12-06-16, 10-27-21, 06-26-24, 05-29-26	**Page** 1 of 3
	CALEA Standard 12.2.1, 35.1.9	

3.7.0 OBJECTIVE

To establish guidelines for an Employee Early Warning System (EWS) designed to provide a systematic review of specific performance activities involving Fayetteville Police Department (FPD) employees. The EWS will allow the department to evaluate, identify, and assist employees who exhibit signs of performance and/or stress related problems.

3.7.1 EARLY WARNING SYSTEM

A. N.C.G.S. 17F-10 Development of law enforcement early warning system.

(a) Every agency in the State that employs personnel certified by the North Carolina Criminal Justice Education and Training Standards Commission or the North Carolina Sheriffs' Education and Training Standards Commission shall develop and implement an early warning system to document and track the actions and behaviors of law enforcement officers for the purpose of intervening and improving performance. The early warning system required by this section shall include information, at a minimum, regarding the following:

(1) Instances of the discharge of a firearm.
(2) Instances of use of force.
(3) Vehicle collisions.
(4) Citizen complaints.

(b) Information collected under this section that is confidential under State or federal law shall remain confidential.

B. The EWS is monitored by the FPD Internal Affairs Unit (IAU) using administrative investigation management software (IAPro) and distributed and reported electronically via IAPro's input component, Blue Team.

C. The FPD's early warning system is a departmental management tool used to alert supervisors for specific patterns and trends with respect to employee behavior and actions and provides an opportunity for early intervention to correct performance prior to it becoming problematic.

D. As an early response, the FPD will attempt to intervene before the employee is in a situation that warrants formal disciplinary action.

E. The EWS will alert the FPD to these individuals and provide opportunities for counseling or training to modify employee performance and to prevent unsatisfactory performance from escalating to a career impairing level.

3.7.2 THRESHOLDS

The EWS can be set to generate "**Alerts**" when thresholds are met for predetermined types of incidents. The type(s) of incidents monitored by the EWS are maintained in the IA Pro Employee Resume System and includes:

1. Use of Force Incidents – 3 per 12 months
2. Vehicle Pursuits – 3 per 12 months
3. City Vehicle Accidents – 2 per 12 months

4. Citizen Complaints – 3 per 12 months
5. Departmental Investigations – 3 per 12 months

3.7.3 ADMINISTRATION

The IAU will use the IA Pro EWS as a part of the employee record keeping process. The EWS is a component of a computerized system for maintaining personnel data on all employees and includes:

1. Disciplinary Actions
2. Internal Investigative Records
3. Other essential information (assignment, supervisor, rank, etc.)

3.7.4 ROLE OF THE FIRST AND SECOND LEVEL SUPERVISOR

A. First level supervisors, along with daily monitoring of employee work activities, must take proactive measures to address any deficiencies noticed in employee performance or conduct at the earliest practical time.

B. All supervisors must remain alert to patterns or indicators that suggest the need for follow up review and/or intervention. The goal is to identify escalating patterns of less serious misconduct that can be abated through early intervention.

C. Second level supervisors provide supervision and oversight for first level supervisors and their subordinate personnel and are responsible for reviewing and making recommendations for performance and administrative investigative activities involving those personnel.

3.7.5 NOTICE / PROCESS WHEN THRESHOLDS ARE MET

A. The EWS will identify employees who have exceeded the pre-determined threshold for the particular types of incidents/behavior being reported.

B. IAU is responsible for notifying the immediate supervisor through Blue Team when an alert is activated on an employee in the EWS. All EWS reviews and recommended actions are subject to review and approval by the Chief of Police or his/her designee.

C. Alerts require the employee's supervisors to review all documentation related to the cases listed on the alert. This review is designed to identify patterns of poor performance and/or behavioral patterns which may need to be addressed.

D. As a part of this Alert response, supervisors will review the employee's personnel resume, but not limited to, documents related to prior disciplinary matters involving the subject employee.

E. Based on their findings, supervisors will submit an administrative response (memorandum) via Blue Team to the involved employee(s) chain of command including a synopsis of all documentation reviewed and providing a summary of the review for each incident listed on the alert.

F. Supervisors will articulate whether a formal review with the employee and/or intervention is needed or document why no further action may be required.

G. The District/Division Commander will review the findings of the first and second level supervisors and indicate whether they concur with the findings.

H. The District/Division Commander will coordinate a meeting with the first and second level supervisors and the involved employee if a pattern of poor performance has been noted or areas of improvement have been identified.

I. The EWS review meetings will result in options or courses of action being determined and established by the District/Division Commander with input from the identified employee and their first and second level supervisors. Options or courses of action may include, but are not limited to the following:

1. No additional action. With appropriate justification there may be no cause for further action if the supervisors believe after reviewing all relevant information that the employee exceeded the threshold as a result of being a hardworking and proactive employee having no problematic behavior.
2. Informal counseling and informal monitoring by the employee's immediate supervisors.
3. Formal counseling or corrective action.
4. Formal monitoring for a minimum of 12 weeks with monthly reviews submitted to the involved employee(s) Division/District Captain or Bureau Commander.
5. Mandatory remedial or additional training designed to improve the employee's skills.
6. Voluntary or mandatory referral to the Employee Assistance Program (EAP).
7. Reassignment.

J. If no pattern exists and no recommendations are made, the Alert will be forwarded for final review by the Internal Affairs Unit. If a pattern exists IAU will meet with the employee's assigned Major, Assistant Chief, and the Chief of Police for final recommendations.

K. All Alert reviews will be forwarded to IAU via Blue Team and maintained as part of the employee's file.

L. All recommendations and remedial training will be monitored by the identified employee's immediate supervisor for a minimum of forty-five days and entered into Blue Team.

M. Employees who disagree with any remedial action taken as a result of an EWS review may file a grievance in accordance with the City's Grievance Procedure (Employee Relations Manual, Article VIII).

3.7.6 ANNUAL EVALUATION OF THE SYSTEM

IAU will conduct an annual review of the system for the previous calendar year and submit a completed report to the Chief of Police.

3.7.7 REFERENCES

WD 3.1	Office of Professional Standards
WD 3.2	Complaint/Compliment Procedure
WD 3.3	Disciplinary Action Procedure

City of Fayetteville Employee Relations Manual

N.C.G.S. 17F-10	Development of law enforcement early warning system

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

	Fayetteville Police Department **WRITTEN DIRECTIVE**	**Number** **3.8**
	Subject **PERSONAL/SOCIAL MEDIA INTERNET SITES**	**Effective Date** 07 November 2024
	Revised 09-24-09, 10-01-15, 07-01-22, 03-16-23	**Page** 1 of 2
	CALEA Standard 54.1.1	

3.8.0 OBJECTIVE

To establish guidelines with respect to the use of personal web pages, internet postings, and social media internet sites by departmental personnel.

3.8.1 POLICY

A. The proper functioning of any law enforcement agency relies upon the public's confidence and trust in the individual officers and the agency to effectively protect and serve the public. Any matter which brings FPD personnel or this department into disrepute has the corresponding effect of reducing public confidence and trust in our department, impeding the ability to work with and serve the public.

B. Professionalism is the most significant factor in providing the highest level of service to the public, which in turn builds the public confidence and trust.

C. While employees have the right to use personal/social media internet sites, as members of the Fayetteville Police Department, they are public servants who are held to a higher standard than the general public with regards to general conduct and ethical standards.

D. It is the policy of the FPD to maintain a level of professionalism in both on-duty and off-duty conduct and employees shall not engage in conduct that contradicts or impedes the mission of the department.

3.8.2 PROCEDURES

A. Employees who have personal web pages, memberships with social media sites, or other types of internet postings, which can be accessed by the public, will not identify themselves directly or indirectly as an employee of the Fayetteville Police Department in violation of subsection 3.8.3.

B. Photographs or other depictions of department uniforms, badges, patches, marked patrol cars, or any other item or material which is identifiable to this department will not be used on employee internet postings in violation of subsection 3.8.3.

C. Employees will not represent their opinions or comments as that of the Fayetteville Police Department or as an official of the Fayetteville Police Department.

3.8.3 RESTRICTIONS

A. Employees are prohibited from posting, or in any other way broadcasting, or disseminating information on the internet, social media sites or other communication medium, the business of this department including, but not limited to, the following:

1. Photographs/images related to any criminal or administrative investigation; or
2. Video or audio files related to any criminal or administrative investigation; or
3. Any other information related to any criminal or administrative investigation.

B. Employees will not discuss or divulge confidential department business on their website or in other medium of communication as addressed in this policy.

C. Employees are prohibited from posting, broadcasting or otherwise disseminating any sexual, violent, racial, ethnically derogatory material, comments, pictures, artwork, video or other references on their websites or through any other medium of communication.

D. Employees shall not post any material on the internet that brings discredit to the Fayetteville Police Department, reflects unfavorably upon the employee as a member of the department, or which may adversely affect the efficiency or integrity of the department.

E. Employees should always consider the possible adverse consequences of internet postings, such as future employment, cross examinations in criminal cases and public as well as private embarrassment.

F. Employees shall not use property issued by the Fayetteville Police Department for monetization purposes online. Such property includes but is not limited to department issued uniforms, vehicles, badges, patches, handcuffs, and weapons. Additionally, employees shall not create social media usernames, profiles, and other handles that identify themselves as employees of the Fayetteville Police Department. Employees with personal social media pages who monetize their activities online during off duty hours shall submit a secondary employment form as outline in WD 2.02 Secondary Employment and be subject to approval by the Chief of Police.

3.8.4 REFERENCES

WD 2.2	Secondary Employment

By Order Of: Kemberle Braden, Chief of Police
Digitally Signed

3.9.0 OBJECTIVE

To establish guidelines detailing responsibilities of all Fayetteville Police Department personnel responding to any police shooting incidents, in-custody deaths, or officer involved vehicle fatalities and the subsequent criminal and administrative investigations.

3.9.1 OFFICER(S) INVOLVED ACTIONS AFTER SHOOTING

Officer safety is paramount in any officer involved shooting incident. Nothing in this policy should preclude an officer from taking reasonable actions to ensure the safety of the officers, public, or the scene. When the initial incident is stabilized and the scene is rendered safe, the officer(s) involved in the discharge of their firearm will do the following:

1. The officer(s) involved will request EMS and/or Fire Medics for any injured person, render aid when feasible and request a supervisor to respond.
2. The officer(s) involved will, to the extent they are safely able, render medical assistance for any injured person.
3. Contact immediate supervisor to respond to the scene. If a supervisor is not available, the officer will contact any Lieutenant to come to the scene. If off-duty, contact the on-duty supervisor, or Lieutenant.
4. Notify the Communication Center of the situation.
5. Request additional units to assist in protecting the scene.
6. The officer(s) involved will not remove, collect or alter items, including, but not limited to, weapons, radios, tasers, ASP, vehicles, etc., from their original resting place unless a safety concern is present.
7. The involved officer(s) firearm will not be handled by anyone after the shooting unless there is a safety concern. Forensics will take the following photographs, but not limited to, the officer, firearm, magazines, taser, and duty belt.
8. In the event that the involved officer(s) firearm is handled by responding officers, the firearm will remain in the custody of the officer who first took possession of said firearm until it is turned over to Forensics, SBI, or appropriate investigating agency. This is to include extra weapons, gun belts, and any magazines.
9. The officer(s) involved will be transported to the main Police Administrative Building. The officer(s) should not be allowed to wash their hands, until cleared to do so by the appropriate investigating agency in the event GSR testing is necessary. At no time will any employee of the Fayetteville Police Department attempt to conduct a formal interview with the officer(s) involved for any reason prior to the appropriate investigators interviewing the officer(s).
10. Inquiries by officers or supervisors at the scene concerning location of crime scenes, description of suspect(s), and type of weapon used by the suspect are appropriate and should be answered to the best of the involved officer's ability so that a thorough and accurate investigation can be conducted without compromising an involved officer's personal legal protection.
11. The officer(s) involved should not be isolated.
12. The officer(s) involved will be given the opportunity to contact any legal representatives to respond, as necessary.

3.9.2 MOTOR VEHICLE FATALITIES WITH OFFICER INVOLVEMENT

Nothing in this policy should preclude an officer from taking reasonable actions to ensure the safety of the officers, public, or the scene. When the initial incident is stabilized and the scene is rendered safe, the officer(s) involved in the crash or pursuit which results in a fatality will do the following:

1. The involved officer(s) will request EMS and/or Fire Medics for any injured person, render aid when feasible and request for a supervisor to respond.
2. The involved officer(s) will, to the extent they are safely able, render medical assistance for any injured person.
3. Contact immediate supervisor to respond to the scene. If a supervisor is not available, the officer will contact any Lieutenant to come to the scene. If off-duty, contact the on-duty supervisor, or Lieutenant.
4. Notify the Communication Center of the situation.
5. Request additional units to assist in protecting the scene.
6. The involved officer(s) will not move their patrol car.
7. The involved officer(s) will be transported to the main Police Administrative Building. At no time will any employee of the Fayetteville Police Department attempt to conduct a formal interview with the involved officer(s) for any reason prior to the appropriate investigators interviewing the officer(s).
8. Inquiries by officers or supervisors at the scene concerning what transpired are appropriate and should be answered to the best of the involved officer's ability so that a thorough and accurate investigation can be conducted without compromising an involved officer's personal legal protection.
9. The involved officer(s) should not be isolated.
10. The officer(s) involved will be given the opportunity to contact any legal representatives to respond, as necessary.

3.9.3 SUPERVISOR / LIEUTENANT RESPONSIBILITIES

1. Confirm that medical assistance has been requested and provided as necessary.
2. For officer involved shootings and in-custody deaths the on-duty Lieutenant will issue an Everbridge Command Staff Notification and ensure verbal contact is made (if necessary) with the appropriate Chain of Command, Homicide Unit, Office of Professional Standards, Public Information Office (PIO) and Peer Support.
3. For officer involved vehicle fatalities the on-duty Lieutenant will issue an Everbridge Command Staff Notification and ensure verbal contact is made (if necessary) with the appropriate Chain of Command, Homicide Unit, Traffic Unit, Office of Professional Standards, Public Information Office (PIO) and Peer Support.
4. Make certain that the incident scene is protected and all witnesses are identified and, if possible, remain in the area for future interview.
5. Coordinate the activities of responding back-up units and establish a Command Post.
6. Verify that Forensic Technicians have been dispatched to the scene.
7. Ensure Peer Support has been contacted and is enroute to either the scene or the PAB.
8. Remove the officer from the scene as quickly as possible and placed in a neutral environment at the Police Administration Building (PAB).
9. Ensure all reports are complete and submitted prior to the end of the tour of duty.
10. In accordance with OP 3.24, Law Enforcement Recordings, supervisors need to ensure all BWC or In-Car Videos have been uploaded, categorized, and given the proper ID by the end of shift.

3.9.4 INITIAL RESPONDING OFFICER RESPONSIBILITIES

The initial responding officer will assume command of the scene until the arrival of the first supervisor. The initial officer will manage the scene with the following goals in mind:

1. Scene security and integrity.
2. Identification and separation of witnesses. All witnesses will be asked to remain on the scene unless otherwise directed by a supervisor.
3. Assignment of officer(s) to accompany anyone transported to the hospital.
4. Establish a staging area.
5. Request Forensic Technicians to respond to the scene.
6. Request any on-duty Peer Support to respond to the scene.

3.9.5 PEER SUPPORT

A. The involved officer(s) will be able to have a peer-support person and/or friend of their choice who was not involved in the shooting available to them, as quickly as possible after the incident. The involved officer(s) should not discuss details of the event until after the completion of the administrative and criminal investigation. Officers should be aware that statements made at any time about an incident may later be used in litigation.

B. The officer(s) involved will be able to have a family member or spouse who was not involved in the incident available to them as quickly as possible after the incident.

C. Non-involved officers or witness officers involved in the incident, as well as supervisors and professional staff who might have been present during the incident will be given the same considerations and support, if desired.

3.9.6 MAJOR CRIMES DIVISION (HOMICIDE UNIT)

The Major Crimes Division's Homicide Unit or other unit designated by the Chief of Police or his/her designee will investigate the specific criminal offense that the suspect was committing at the time of the in-custody death, police shooting, or officer involved vehicle fatality.

MCD will work in conjunction with the SBI and if needed, may perform the following duties:

1. Obtain search warrants not directly related to the in-custody death, officer-involved shooting, or officer involved vehicle fatality.
2. Conduct witness interviews.
3. Conduct suspect interviews.
4. Conduct neighborhood canvasses.
5. Conduct crime scene searches.
6. Conduct involved officer(s) interviews. These interviews should only be conducted after the SBI or investigating agency has completed their interviews.
7. Since this is a criminal investigation, the officer(s) will be advised of their Miranda rights for a criminal investigation even if not in custody.
8. The officer(s) is not mandated to speak to any member of the Major Crimes Division.
9. The officer(s) can choose to have an attorney present.
10. Forensics will assist as requested by the lead investigator.

3.9.7 INTERNAL AFFAIRS UNIT

A. IAU will respond to any officer-involved shootings, in-custody deaths, or officer involved fatality and will assume the command for the administrative investigation into the shooting or in-custody death.

IAU may do the following during these types of incidents:

1. Upon notification of a police-related shooting, in-custody death, or officer involved vehicle fatality, the OPS Commander or a member of IAU will make contact with the Watch Commander to determine the location, number of officers involved, victims, witnesses, and crime scene(s) related to the incident.
2. IAU will coordinate with the Watch Commander to contact and transport the officer's family to the PAB at the involved officer's request.
3. Assist with ensuring a change of clothes for the involved officer, if necessary or requested, has been arranged.
4. The IAU staff will proceed with their administrative investigation in such a manner so as not to jeopardize the criminal investigation being conducted by the SBI, Major Crimes Unit, Traffic Unit, or any other outside investigating agency.
5. Place the involved officer(s) on Administrative Duty Leave with Pay.
6. Serve the involved officer(s) with a Notice of Administrative Investigation (NOAI).

7. Schedule the involved officer(s) or any professional staff with counseling.
8. IAU will determine whether or not the involved officer(s) will be issued a "spare" firearm.
9. IAU will not conduct any interviews with anyone involved in the incident during the first 72 hours after the incident has occurred.
10. Upon completion of the administrative investigation and at the discretion of the Chief, the Administrative investigation will be forwarded through the involved officer(s) chain of command for findings and recommendations.
11. The release of the results of the administrative investigation are not contingent upon the release of the investigation conducted by the SBI or any other agency.

B. The Chain of Command, Internal Affairs Unit, and/or the Training Center Coordinator may recommend policy changes or training needs to the Chief of Police based upon the administrative investigative findings.

C. The Internal Affairs Unit will coordinate with the Training Center staff to ensure all personnel involved receive an After-Action Review of the incident. The Training Center staff will implement a training plan consistent with the incident. The Training Center staff will determine whether the officer(s) have successfully completed this training or any other training they receive related to the incident prior to the officer being released back to regular duties.

D. Personnel responsible for managing use of force incidents resulting in death or serious bodily injury shall receive training on investigative and administrative processes associated with such incidents.

E. All agency personnel shall receive awareness-level training regarding procedures related to use of force incidents resulting in death or serious bodily injury.

3.9.8 MANDATORY REPORTING TO CRIMINAL JUSTICE STANDARDS DIVISION

A. In accordance with N.C.G.S. 17C-15 and 17E-15, law enforcement agencies must complete NCDOJ Form 27 (titled Critical Incident Report) for any critical incident defined as a use of force by an officer resulting in death or serious bodily injury. The agency shall submit this report to the Criminal Justice Standards Division no later than 30 days after the incident.

B. By January 15 of each year the agency shall submit their Annual Critical Incident Report Form 27A to the Criminal Justice Standards Division.

C. The Chief of Police or the OPS Commander shall ensure Forms 27 and 27A are submitted as required by statute.

D. For further guidance on Critical Incident Reporting Frequently Asked Questions visit: https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/.

3.9.9 REPORTING TO NATIONAL USE-OF-FORCE DATA COLLECTION SERVICES

The Internal Affairs Unit or Crime Information Center shall report all officer-involved Use of Force incidents that result in death or serious bodily injury to the Federal Bureau of Investigation (FBI), Criminal Justice Information Services (CJIS), in accordance with applicable FBI reporting requirements.

The responsible unit shall ensure that each qualifying Use of Force incident is submitted to the FBI CJIS no later than the fifth (5^{th}) calendar day of each month for incidents occurring during the preceding month.

All required submissions shall be completed electronically through the FBI Law Enforcement Enterprise Portal (LEEP), using the applicable CJIS reporting system. The FBI LEEP portal is available at https://portal.cjis.gov/leepweb/services.

3.9.10 ASSISTANCE FROM OUTSIDE AGENCIES

At the discretion of the Chief of Police or his/her designer they may notify the appropriate outside

agency (State Bureau of Investigations (SBI), North Carolina State Highway Patrol) and request that they conduct a criminal investigation of the incident.

A. A team of SBI agents may respond to investigate matters involving the actions of the law enforcement officer(s) involved in an in-custody death or a shooting that resulted in personal injury or death. The SBI's objective in an in-custody death case or a police shooting is to obtain all of the facts in order so that the District Attorney can make a determination of criminal liability (if any) on the part of a law enforcement officer.

The SBI may:

1. Obtain all search warrants related to the incident and request an autopsy, if appropriate.
2. Be briefed by Homicide Investigators prior to conducting interviews.
3. Communicate interview information to FPD Forensics as it relates to processing of the scene.
4. Assign a SBI crime scene agent as a liaison with FPD as it relates to processing of the scene.
5. SBI interview with the involved officer(s):
   a) The officers involved are authorized to review the BWC footage of this incident prior to any interviews.
   b) The SBI, as part of their criminal investigation, may interview the involved officer(s) and should advise them of their Miranda rights.
   c) Involved officers should be given a written copy of these rights.
   d) The officer involved is not mandated to speak to the SBI agents.
   e) The officer can choose to have an attorney present.
   f) If the officer refuses to answer SBI interview questions, the officer will not be disciplined. These actions are taken to ensure that the involved officer understands it is a criminal investigation; that the involved officer has the same constitutional rights as all citizens; and to ensure separation between the criminal investigation and any type of administrative, departmental inquiry.
   g) The SBI may conduct interviews with other responding officers, victims, suspects, and witnesses.
   h) The SBI is not responsible for charging the suspect(s) for any criminal wrongdoing prior to the incident which led to the use of force.
   i) The SBI may not normally permit FPD personnel or others to be present in the room when an involved officer is being interviewed. Any such request by FPD should be made prior to the interview and the SBI may consider each request on a case-by-case basis.
   j) The SBI is not allowed access to a personnel file without the consent of the officer. The SBI must obtain a court order for personnel information that is not released voluntarily.
   k) Upon completion of the investigation, the SBI may submit a complete written report to the District Attorney for review and decision. The SBI does not make conclusions and recommendations.

B. If requested, the NCSHP may respond to investigate matters involving the actions of the law enforcement officer(s) involved in a vehicle crash that resulted in serious injury or death. The NCSHP objective is to obtain all of the facts in order that the District Attorney can make a determination of criminal liability (if any) on the part of a law enforcement officer.

The NCSHP may:

1. Obtain all search warrants related to the incident and request an autopsy, if appropriate.
2. Be briefed by Homicide or Traffic Unit Investigators prior to conducting interviews.
3. Communicate interview information to FPD Forensics as it relates to processing of the scene.
4. NCSHP interview with the involved officer(s):

   a) The officers involved are authorized to review the BWC footage of this incident prior to any interviews.
   b) The NCSHP, as part of their criminal investigation, may interview the officer(s) involved and should advise them of their Miranda rights.
   c) Involved officers should be given a written copy of these rights.
   d) The officer involved is not mandated to speak to the NCSHP.

e) The officer can choose to have an attorney present.
f) If the officer refuses to answer NCSHP interview questions, the officer will not be disciplined. These actions are taken to ensure that the involved officer understands it is a criminal investigation; that the involved officer has the same constitutional rights as all citizens; and to ensure separation between the criminal investigation and any type of administrative, departmental inquiry.
g) The NCSHP may conduct interviews with other responding officers, victims, suspects, and witnesses.
h) The NCSHP is not allowed access to a personnel file without the consent of the officer. The NCSHP must obtain a court order for personnel information that is not released voluntarily.
i) Upon completion of the investigation, the NCSHP may submit a complete written report to the District Attorney for review and decision. It is at the discretion of the NCSHP on whether or not they consult with the District Attorney.

3.9.11 DISTRICT ATTORNEY/PROSECUTOR'S OFFICE

A. The District Attorney may make a determination of criminal liability (if any) on the part of the involved officer(s) once they have obtained all of the facts from the SBI or appropriate investigating agency.

B. The Major Crimes Homicide Unit or other unit designated by the Chief of Police or his/her designee will investigate all specific criminal offenses committed by the suspect at the time of an in-custody death, police shooting or officer involved vehicle fatalities, and will make the appropriate charges after consulting with the District Attorney's Office.

C. Without a court order the District Attorney is prohibited from obtaining a copy of IAU's administrative investigation.

3.9.12 POST INCIDENT GUIDELINES

A. The officer(s) involved will be required to attend a minimum of three counseling sessions with one of the department's approved counseling services. These counseling sessions will be of no cost to the involved officer(s).
B. At the direction of the Chief of Police or his/her designee other officers and/or professional staff who may be impacted by this type of critical incident may also be required to attend mandatory counseling sessions.
C. The officer(s) involved will initially be placed on administrative leave with pay and will remain on this leave at the discretion of the Chief of Police or his/her designee.
D. The Chief of Police or his/her designee has the discretion to determine when the involved officer(s) will be placed on administrative duty assignment and when the involved officer(s) can return to full duty.
E. The Public Information Office (PIO) will prepare an initial press release and provide this release to the press/media in a timely manner. The name of the officer(s) and any injured parties should only be released as needed during this initial press release. Name of those injured will not be released until the Next of Kin or appropriate person has been notified.
F. The RMS Database or Records Manager will restrict access to all FPD reports associated with the officer involved shooting or in-custody death. Access to this information will be decided on a case-by-case basis.

3.9.13 REFERENCES

OP 1.1	Internal Administrative Investigation Procedure
OP 1.7	Administrative Duty Assignment
OP 3.24	Law Enforcement Recordings
OP 4.5	Critical Response Plan
OP 9.1	Collision Reporting and Investigation
OP 11.13	Peer Support Program

WD 3.1	Office of Professional Standards
WD 3.5	Media Policy
WD 4.1	Less Lethal Use of Force and Reporting
WD 4.2	Emergency Response and Pursuits
WD 4.10	Conducted Energy Weapon (CEW)
WD 4.11	Use of Deadly Force and Reporting
WD 5.5	City Owned, or Leased Vehicle Collision Investigation Reporting and Review
N.C.G.S. 17C-15	Database for law enforcement officer critical incident information
N.C.G.S. 17E-15	Database for justice officer critical incident information
N.C.G.S. 160A-168	Privacy of Employee Personnel Records

CALEA Law Enforcement Standards	11.3.4
CALEA Communications Standards	N/A
CALEA Training Academy Standards	N/A

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

	Fayetteville Police Department **WRITTEN DIRECTIVE**	**Number** **4.1**
	Subject **LESS LETHAL USE OF FORCE AND REPORTING**	**Effective Date** 22 March 2024
	Revised 09-17-13, 01-06-15, 1-22-16, 05-25-16, 08-23-2016, 11-8-16, 02-06-17, 05-30-17,1-25-18,03-05-20, 8-27-20, 01-02-21, 02-09-22	**Page** 1 of 6
	CALEA Standard 4.1.1, 4.1.4, 4.1.5, 4.2.1, 4.2.2, 4.3.1, 4.3.2, 4.3.3, 4.3.4, 41.2.4	

4.1.0 OBJECTIVE

To establish guidelines for use of force and reporting by members of the Fayetteville Police Department (FPD).

"Every arrest officers make involves either a threatened or an active use of force. Essentially, officers themselves decide how much force is necessary under the circumstances to bring the suspect within their custody and control. However, they are entitled to use only as much force as is necessary to secure the suspect, overcome resistance, prevent escape, recapture the suspect or protect themselves from bodily injury. They may never use more force than is necessary to accomplish this purpose. Authority to use force that is likely to kill the suspect is limited to special situations."

-Robert L. Farb 2nd edition, 1992

4.1.1 POLICY

The Fayetteville Police Department acknowledges the protection and reverence for human life should be paramount in every officer's mind. Although we are often called upon to make split second decisions regarding life or death situations, it will be the intent of our officers to use only the amount of force which is reasonably necessary. Unreasonable or unjustifiable force can result in an overall degradation in public trust. The sanctity for human life must be foremost in the minds of every member of this department and every opportunity to avoid using force, when feasible, should be considered.

As always, officers should strive to de-escalate the offender's resistance at all points, before, during, and after an event. Officers will tailor their use of force, in accordance with N.C.G.S. 15A-401, Graham vs. Connor, any other applicable case law, experience, and/or current training. As the offender escalates or de-escalates their unlawful resistance, the officer will increase or decrease his/her use of force to overcome it. The level of force used must be such that it is "objectively reasonable" and necessary, meaning that the officer involved would believe the force used is necessary and that the reasonable officer standard would judge that belief as reasonable. Crucial to this ability is the officer's understanding of force options, immediacy of the threat, and the reasonableness of the force option(s) based upon those perceptions. That may mean having to use multiple force options until the resistance has stopped, and the subject has been controlled.

An officer has a duty to intervene to prevent or stop the use of excessive force by another officer when it is safe and reasonable to do so.

4.1.2 DEFINITIONS

A. Compressed High Ready - The weapon is held with the elbows bent, so that the hands are near the torso, in the upper chest area. The weapon should be visible in the shooters lower peripheral vision but should not be so high as to obstruct their ability to see the target or navigate. The bore of the weapon should be elevated no more than 10 degrees above parallel to the ground and the head should be directly over the gun, i.e. it is centered on the chest not to one side.

B. De-escalation – De-escalation tactics and techniques are actions used by officers, when safe and without compromising law enforcement priorities, that seek to minimize the likelihood of the need to use force prior to or during an incident and increase the likelihood of voluntary compliance or mitigate the continued use of force. When safe and feasible under the totality of circumstances, officers shall attempt to slow down or stabilize the situation so that more time, options and resources are available for incident resolution.

C. Force Option – Force options are techniques or weapons that are appropriate and objectively reasonable based on the unlawful conduct or resistance offered by an offender(s).

D. Less Lethal Force – Any use of force neither likely nor intended to cause death or serious physical injury.

E. Reasonably Necessary - Those actions, based upon the known facts or circumstances, which would normally be expected from a reasonable and prudent officer under similar circumstances.

F. Serious Physical Injury - Any injury that could result in disfigurement, disability or death.

4.1.3 USE OF FORCE PROCEDURE

A. Officers will modify their level of force in relation to the amount of resistance offered by the subject. Officers will increase or decrease the amount or type of force used as the subject offers more or less resistance. Only use of force options listed in this policy (WD 4.1) are authorized for use by personnel who have received department-approved training, unless deadly force is necessary.

B. Officers who encounter a situation where the possibility of violence or resistance to lawful arrest is present should, if possible, attempt to utilize de-escalation techniques to include active listening advice, warning and verbal persuasion.

C. When officers encounter non-compliant subjects they should always consider the mental state of the individual as they employ de-escalation techniques, and prior to the utilization of any less lethal weapons. Officers should be mindful that people they encounter might not understand their directions or commands due to underlying mental health issues, language barriers, cultural differences, medical reasons and/or other disabilities. Although this may not make the encounter any less dangerous, when these limitations are known, officers shall consider those factors and take necessary steps consistent with this policy and with department training to accommodate the rights and needs of those individuals.

D. In the event that a situation escalates beyond the effective use of de-escalation techniques, officers are authorized to employ department approved compliance techniques and/or issued weapons.

E. Departmentally approved weapons may be used when persuasive speech or physical contact controls are insufficient or will be insufficient to control or stop an aggressive act of resistance.

F. The amount of force used will be in response to the threat level recognized by the officers and as deemed necessary to protect themselves or another from physical harm, to restrain or subdue a resistant subject, or to bring an unlawful situation safely and effectively under control. Some force variables include, but are not limited to:

1. Behavior and/or mental state of the subject(s)
2. Totality of the circumstances: severity of the crime, whether the suspect offers an immediate threat to officers or others, and/or whether or not the suspect is actively resisting arrest.
3. Environmental conditions
4. Multiple subjects/officers
5. Reaction time/distance from subject
6. Size and gender of the officer and the subject
7. Skill level of the officer
8. Apparent skill level of the subject
9. Age of subject/officer
10. Injury or exhaustion
11. Availability of weapon(s)
12. Availability of alternative action
13. Previous knowledge of subject

G. DUTY TO INTERVENE: Any officer present and observing another officer using force that is clearly beyond that which is reasonably necessary under the circumstances shall, when in a position to do so, safely intervene to end and prevent the further use of such excessive force. Additionally, officers have a duty to intervene in all situations where an officer is acting in violation of laws, orders, policies, or

ethical conduct and immediately notify an on-duty supervisor or commander. Refer also to WD 1.9, Duty to Intervene and Fayetteville Police Department Rules and Regulations.

H. No department approved weapon will be used to threaten people or evoke information. No department approved weapon or hands on techniques **will** be utilized to obtain narcotics or other foreign objects from a subject suspected of ingesting/inserting these into a body cavity or swallowing them. Instead, officers will obtain appropriate medical attention for the subject. Any abuse or misuse of departmentally approved weapons will result in disciplinary action being taken against the officer.

I. The use of departmentally approved weapons will be strictly prohibited on actively resistant subjects being taken into custody for an Emergency or Involuntary Commitment, unless the subject becomes violent or the subject presents an imminent threat to the officer or a third party.

J. In extreme situations where a subject presents a danger to the officer or a third party even after being handcuffed/secured, force options, to include weapons, may be used to assist in securing the subject and defuse the threat.

K. Officers will not carry or utilize any weapons before successfully completing department approved training on the use of the weapon. Officers authorized to carry lethal and less lethal weapons will be instructed on these policies before being authorized to carry a weapon. All weapons will be used in the manner prescribed during training. All issued weapons will be worn on the duty belt, unless written approval is granted by the District Commander.

1. Field supervisors will:

    a) Monitor the uses of force by their officers.
    b) Respond to the scene of a use of force.
    c) Ensure that involved officers complete a Reportable Use of Force Report.
    d) Thoroughly investigate each incident involving a use of force.
    e) Report all findings on the appropriate forms.

4.1.4 WEAPONS

A. CHEMICAL/INFLAMMATORY AGENTS

Chemical and inflammatory agents are designed as a force option.

1. The personal OC, Oleoresin Capsicum, canister is carried on the officer's duty belt. Make: Top Cop, Model: ALSOC 15 Stream and Specification: 1.5oz MK3 is the standard issue chemical and inflammatory deployment method to be used by the Fayetteville Police Department**.** During emergency operations such as civil unrest, riots…etc. officers may be issued the ALSOC 9 Stream and specification: 14oz MK9 for use in those specific operations. Absent any additional training from an ALS certified instructor, these will be the only deployment methods of the ALSOC 9/MK9 OC inflammatory agents for Fayetteville Police Officers. When using these canisters:

    a) It must be sprayed directly into the face and eyes of the suspect unless using the agent in an "access denial" method during civil unrest or riots.
    b) The inflammatory agent should be sprayed within four to six feet of the suspect with the MK3 and eight to ten feet of the suspect with the MK9.
    c) Short, one-second bursts of spray should be used.
    d) Appropriate medical treatment should be rendered to exposed individuals if possible.
    e) When the exposed individual(s) are under control, seek assistance from medical personnel to assist with appropriate decontamination methods. Flushing the contaminated areas with cold water is the manufacturer's suggested decontamination method.

B. IMPACT WEAPONS – ASP BATON

Make/Model: Expandable Friction Lock Baton

1. Due to the slightly higher potential for injury, impact weapons are typically more appropriate when encountering violent resistance.
2. These weapons will not be used to intentionally strike any person in the head, spine, neck, and/or kidney unless circumstances would justify the use of deadly force.
3. The use of instruments as a weapon (i.e. flashlights, radio, etc.) for the purpose of striking or jabbing, other than department-authorized batons, is strongly discouraged and acceptable only when other authorized force responses have been exhausted and are either unavailable or ineffective.
4. Officers must be able to articulate compelling need to use any other device or object other than an authorized baton as an impact weapon.

C. TRAINING

A. Officers will receive initial training on the use of OC spray and the asp baton during BLET training. Officers will then receive refresher training biennially.

B. Only the Training Center will issue less lethal weapons and maintain records by inventory or class completion on all less lethal weapons.

4.1.5 NOTIFICATION & REPORTING

A. REPORTABLE USE OF FORCE INCIDENTS

Reportable force incidents include any use of force beyond passive physical guidance. All use of force incidents are required to be reported to a supervisor and entered into Blue Team in accordance to Operating Procedure 1.1, Internal Administrative Investigation Procedure. Use of force incidents include, but not limited to:

1. Empty hand tactics (Takedown with Injury, Strikes, Kicks)
2. Baton/Impact Weapons (Strikes)
3. OC Spray
4. Taser/CEW – Refer to W.D. 4.10 for further guidance
5. Canine Bites
6. Pointing of a Firearm:

- Use of the compressed high ready with the muzzle oriented in the direction of the suspect does not itself constitute a pointing of a firearm. A pointing of a firearm occurs once an officer has identified a target and moves from the engagement position into target acquisition with the muzzle of the firearm pointed at the suspect.

B. OFFICER RESPONSIBILITIES

On-duty or off-duty officers who use less lethal force either deliberately or accidentally, or any officer who witnesses the use of less lethal force, and while acting in an official capacity as a law enforcement officer will:

1. Immediately take all measures to render the situation safe.
2. After employing any force including lethal or less than lethal weapons, or upon a finding of any injury or a complaint of any injury, officers shall render appropriate medical aid and request further medical assistance, when necessary, for the suspect and any other injured individuals, as soon as it is safe to do so. Any aid provided shall be documented in the appropriate report.
3. Contact immediate supervisor to respond to the scene. If a supervisor is not available, the officer will contact any on-duty Patrol Lieutenant to come to the scene. If off-duty, contact the on-duty supervisor, or Patrol Lieutenant.
4. Notify the Communication Center of the situation.
5. Request additional units to assist in protecting the scene and locating any witnesses.
6. Complete a detailed CIR indicating what events led up to the use of force incident (by the end of the officer's tour of duty).

7. Enter into Blue Team in accordance to Operating Procedure 1.1, Internal Administrative Investigation Procedure.

C. SUPERVISOR / LIEUTENANT RESPONSIBILITIES

1. Confirm that medical assistance has been requested and provided as necessary.
2. Make certain that the incident scene is protected and all witnesses are identified and, if possible, statements are obtained.
3. Coordinate the activities of responding back-up units.
4. Ensure photographs of the subject and officer are obtained identifying any injury or alleged injury sites, the area in which the force was used and any other pertinent photographs.
5. Ensure all reports are complete and submitted prior to the end of the tour of duty.
6. Prior to any statement being taken from the subject on whom force was used, the subject shall be read his/her Miranda Rights if he/she is in custody. Although the statement is to be used for administrative purposes as to the force being utilized, the subject's constitutional rights are implicated if they are in custody.
7. Ensure all videos are classified properly and downloaded to server.
8. It is the responsibility of the immediate supervisor to thoroughly investigate the incident. Supervisors will ensure that a Reportable Use of Force entry is made into Blue Team and follow the administrative investigative procedures outlined in Operating Procedure 1.1, Internal Administrative Investigation Procedure.

D. INVESTIGATIONS AND REPORTING

1. The following are examples of situations where completion of a Use of Force Investigation is **required**:

   a) When an officer discharges a firearm for other than training or recreational purposes. The shooting of an animal for humanitarian purposes does not constitute a UOF Investigation.
   b) When the officer takes an action that results in or is alleged to have resulted in injury or death of another person.
   c) Whenever an officer applies force through the use of lethal or less lethal weapons.
   d) If an officer applies weaponless physical force at a level that requires medical attention, even if treatment is refused, or there is a claim of injury.
   e) Whenever an officer applies physical force that involves striking or hitting another person.
   f) When an individual alleges excessive force was used.
   g) All pointing of a weapon incidents as explained in section 4.1.5 of this policy.

2. The department reviews or investigates all reportable use of force incidents to determine their reasonableness, as well as to correct any identifiable training deficiencies. The report should distinguish which force option was selected and why it was reasonably necessary. Supervisors will respond to each use of force incident in which reportable force is used, conduct an administrative Use of Force investigation in accordance with Operating Procedure 1.1, Internal Administrative Investigation Procedure. **The Internal Affairs Unit should be consulted if there is any question about who should complete the administrative investigation.** Acting supervisors are authorized to complete a use of force investigation. The report will include each officer and each reportable use of force.

3. All use of force incidents that result in serious bodily injury and/or death will be investigated administratively by Internal Affairs.

4.1.6 EXCEPTIONS TO REPORTING

A. If an officer takes a subject to the ground to affect an arrest and there are no signs of injury, allegation of injury or allegation of excessive force, **no** use of force entry is required. Likewise, if a suspect complains of wrist and/or ankle soreness due to being restrained, this is not considered a use of force and therefore, does not require a use of force entry.

B. An internal investigation is **not** required if the following situations occur. However, supervisors should complete a "**Quality Review**" in Blue Team documenting the event in accordance with Operating Procedure 1.1, Internal Administrative Investigation Procedure.

1. A suspect sustains an injury that is **not** the result of a use of force or alleged use of force.
2. A suspect injures himself while fleeing from the officer **prior** to being taken into custody.
3. A suspect in custody sustains a minor injury **not** due to or caused by the officer's actions or intentionally inflicts injury to him/herself.

4.1.7 REFERENCES

WD 1.9	Duty to Intervene
WD 4.10	Conducted Energy Weapon (CEW)
WD 4.11	Use of Deadly Force and Reporting
O.P. 1.1	Internal Administrative Investigation Procedure
O.P. 4.1	Emergency Response Team
O.P. 4.8	Civil Emergency Unit
N.C.G.S.	15A-401(d)

Fayetteville Police Department Rules and Regulations

Tennessee v. Garner, 471 U.S. 1, 105 S.Ct. 1694
Graham v. Connor, 490 U.S. 386, 109 S.Ct. 1865

By Order Of: Kemberle Braden, Chief of Police
Digitally Signed

4.2.0 OBJECTIVE

To establish guidelines for the use of marked and unmarked police vehicles by members of the Fayetteville Police Department (FPD) with regard to emergency driving, emergency response, pursuit driving, and moving surveillance. In any vehicle pursuit the safety of the public is the primary concern. A respect for human life will guide officers in determining whether to engage in or terminate a vehicular pursuit. It is imperative that supervisors be decisive and act within the boundaries of legal guidelines, good judgment, and accepted practices when determining whether to authorize or terminate a vehicular pursuit. Pursuing officers will act with appropriate caution and in compliance with departmental policy during the duration of any approved pursuit.

4.2.1 DEFINITIONS

Vehicle pursuit- the operation of a police vehicle with the intent to apprehend a law violator or suspect in another moving vehicle who is attempting to flee or escape a lawful arrest or detainment by using evasive tactics, high speed driving and other deliberate acts.

Primary Unit- the police vehicle which initially becomes involved in a pursuit or any unit that assumes control of the pursuit as the lead vehicle.

Secondary Unit- any police vehicle which becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.

Assigned Unit- any unit other than the primary or secondary units which a supervisor has authorized to become involved in the pursuit.

Uncommitted Unit- an officer who is not directly involved in the pursuit as a primary, secondary or assigned unit.

Emergency Driving - Operating a police vehicle in response to either an emergency call for service or any situation where the officer can articulate a threat of serious injury to an officer or citizen. This also includes whenever an officer attempts to catch up to another vehicle that would require the officer to drive in a manner not normally permitted by law or FPD policy.

4.2.2 STATUTORY AUTHORITY

A. N.C.G.S 20-141.5: Speeding to elude arrest, seizure and sale of vehicle

1. It shall be unlawful for any person to operate a motor vehicle on a street, highway, or public vehicular area while fleeing or attempting to elude a law enforcement officer who is in the lawful performance of his duties.

2. Pursuant to this statute, officers shall specifically consider factors outlined herein at section 4.2.5 in determining when to initiate or terminate a pursuit. The supervisor may authorize the pursuit long enough to obtain the make, description and or tag number of the vehicle pursuant to this policy.

3. Whenever evidence is presented in any court or administrative hearing of the fact that a vehicle was operated in violation of this section, it shall be prima facie evidence that the vehicle was operated by the person in whose name the vehicle was registered at the time of the violation, according to the Division's records. If the vehicle is rented, then proof of that rental shall be prima facie evidence that the vehicle was operated by the renter of the vehicle at the time of the violation.

B. N.C.G.S. 20-145: When speed limit not applicable

Speed limitations shall not apply to vehicles when operated with due regard for safety under the direction of the police in the pursuit or apprehension of violators of the law or of persons charged with or suspected of any such violation, nor to fire department or fire patrol vehicles when traveling in response to a fire alarm. This exemption shall not, however, protect the driver of any such vehicle from the consequence of a reckless disregard of safety of others.

C. N.C.G.S. 20-156: Exceptions to the right-of-way rule

The driver of a vehicle upon the highway shall yield the right of way to police and fire department vehicles when the operators of said vehicles are giving a warning signal by appropriate light and by bell, siren or exhaust whistle audible under normal conditions from a distance not less than 1,000 feet. When appropriate warning signals are being given, as provided in this subsection, an emergency vehicle may proceed through an intersection or other place when the emergency vehicle is facing a stop sign, a yield sign, or a flashing strobe light. This provision shall not operate to relieve the driver of a police or fire department vehicle from the duty to drive with due regard for the safety of all persons using the highway, nor shall it protect the driver of any such vehicle from the consequence of any arbitrary exercise of such right of way.

D. N.C.G.S. 20-217: Motor vehicles to stop for properly marked and designated school buses

The driver of a vehicle upon approaching from a direction on the same street or highway any school bus (including privately owned buses transporting children and school buses transporting senior citizens under G.S. 115C-243), while the bus is displaying its mechanical stop signal or flashing red stoplights, and is stopped for the purpose of receiving or discharging passengers, shall bring his vehicle to a full stop before passing or attempting to pass the bus, and shall remain stopped until the mechanical stop signal has been withdrawn, the flashing red stoplights have been turned off, and the bus has moved on.

E. N.C.G.S. 20-136.1: Location of television, computer, or video players, monitors, and screens.

No person shall drive any motor vehicle upon a public street or highway or public vehicular area while viewing any television, computer, or video player which is located in the motor vehicle at any point forward of the back of the driver's seat, and which is visible to the driver while operating the motor vehicle. This section does not apply to the use of global positioning systems; turn-by-turn navigation displays or similar navigation devices; factory-installed or aftermarket global positioning systems or wireless communications devices used to transmit or receive data as part of a digital dispatch system; equipment that displays audio system information, functions, or controls, or weather, traffic, and safety information; vehicle safety or equipment information; or image displays that enhance the driver's view in any direction, inside or outside of the vehicle. The provisions of this section shall not apply to law enforcement or emergency personnel while in the performance of their official duties, or to the operator of a vehicle that is lawfully parked or stopped.

F. N.C.G.S. 20-137.4A: Unlawful use of mobile telephone for text messaging or electronic mail.

It shall be unlawful for any person to operate a vehicle on a public street or highway or public vehicular area while using a mobile telephone to manually enter multiple letters or text in the device as a means of communicating with another person; or read any electronic mail or text message transmitted to the device or stored within the device, provided that this prohibition shall not apply to any name or number stored in the device nor to any caller identification information. Nothing in this subsection shall be construed to prohibit the use of hands-free technology. An exception to this statute is a law enforcement officer in the performance of their official duties.

4.2.3 EMERGENCY RESPONSE / EMERGENCY DRIVING

A. There are **no tasks** in the department of such importance to justify the reckless disregard of the safety of innocent persons. Department personnel will be held strictly accountable for the consequences of reckless vehicle operations. Officers will drive police cars in accordance with the law, departmental rules and regulations, and in a careful and prudent manner.

B. Officers not responding to calls for service will comply with the posted speed limit and all traffic laws.

C. Officers and/or Supervisors will make the determination to respond emergency traffic to a call for service and will notify the dispatcher of the emergency response. If an officer determines that emergency response to a situation is necessary, but immediate communication is not feasible, the officer may respond appropriately. However, communication to the Public Safety Dispatcher must be made as soon as possible.

D. Officers will operate blue lights and siren under the following circumstances with limited exceptions:

1. In **extreme** circumstances when emergency response requires an officer to travel into opposing traffic lanes.

2. While attempting a u-turn that cannot be done safely for the purpose of attempting to catch up to another vehicle or to respond to any emergency call for service.

3. When responding to all priority-one calls for service.

E. The immediate use of blue lights and siren may be excluded when observing a vehicle operated and/or occupied by suspected dangerous person(s) or when such use presents an imminent danger to the officer(s) or would aid in the escape of wanted person(s).

F. When approaching an intersection where signal lights or stop signs regulate the flow of traffic, officers will **not** proceed through the intersection until they are sure that each, individual lane of travel is clear and traffic has yielded the right of way to the officer's use of blue lights and siren in every lane. When multiple emergency vehicles come to an intersection where traffic signals are utilized, the traffic devices will determine the right of way.

G. When a violator's vehicle travels the wrong way and into oncoming traffic, officers are **PROHIBITED** from following the violator vehicle for the purposes of continuing the pursuit.

Ex) The violator's vehicle, in their continued attempts to allude apprehension, begin to drive south in the northbound lanes of a divided, non-divided or median equipped roadway or highway. Officers are prohibited from executing the same vehicular movements or direction for the purposes of continuing the pursuit.

H. When approaching an intersection, stopped vehicular traffic or an item blocking the roadway, officers are authorized to travel left of center with blue lights and sirens activated for the purposes of navigating around the stopped traffic or item if the maneuver can be done so in a careful and prudent manner. **IMMEDIATELY** after navigating around the stopped vehicles and or objects blocking the officer's path, officers will return to an appropriate lane designated for the officer's direction of travel.

I. Officers shall pass other vehicles on the left side of the roadway unless circumstances warrant an otherwise safe movement.

J. Public Safety Dispatchers should notify all police vehicles to use caution when other emergency vehicles are making an emergency response.

K. Unmarked vehicles and motorcycles will not be assigned as a primary response unit for emergency calls unless absolutely necessary.

L. Emergency response is **prohibited** when responding to property damage accidents.

M. Unmarked police vehicles will be equipped with blue light and siren and other supplied equipment as necessary. Unmarked vehicles may be used for speed enforcement and specialized patrol.

N. Undercover vehicles used for covert purposes will not have any police equipment installed and are not permitted to become involved in a pursuit or emergency driving.

4.2.4 MOVING SURVEILLANCE

A. Moving surveillance, which requires operating a police vehicle over the posted speed limit, will only be allowed when the officer exercises due regard for the safety of all persons. Operations involving moving surveillance will be managed by a supervisor who is not actively engaged in the operation.

4.2.5 PURSUIT OPERATIONS – INITIATING PURSUITS

A. Pursuits can be authorized when:

1. The officer has reasonable suspicion that the driver or occupant of the vehicle has committed or is attempting to commit a crime which is considered to be dangerous to human life. Property crimes alone are not reasonable grounds for a pursuit.

2. The officer can articulate the exigent need to apprehend the suspect(s) because of potential harm to the public if they are not apprehended without delay.

3. A supervisor may authorize a vehicular pursuit that does not meet the above criteria only in exceptional circumstances such as being part of a recognized city level crime trend.

B. Initiating Pursuits

1. Upon initiating a pursuit, officers/supervisors will continuously weigh the existing danger to themselves and the public.

2. The initiating Officer/Supervisor will notify Communications that a vehicle is refusing to stop and a pursuit is being initiated. The initiating officer/supervisor will immediately communicate over the radio with a supervisor the reason for the pursuit and confirm supervisor approval/authorization or termination of the pursuit. If a supervisor has not provided approval/authorization or terminated the pursuit after two requests from the initiating officer/supervisor, then the pursuit will be terminated no matter the type of incident. The approval or termination of the pursuit by the supervisor must be straightforward and unambiguous.

   After the initiating officer/supervisor has been given approval to pursue, the initiating officer/supervisor and/or secondary unit will immediately communicate to Communications the following factors:

   a) present location
   b) direction of travel
   c) current speed
   d) description of pursued vehicle with registration and the number of occupants
   e) vehicle traffic and pedestrian traffic
   f) weather conditions

3. Officers/Supervisors involved in a pursuit will activate their blue lights and siren.

C. Primary and Secondary Unit Involvement

1. No more than two FPD marked patrol units will be actively involved in a vehicle pursuit unless otherwise directed by the supervisor managing the pursuit.

2. Officers in adjacent areas of the pursuit may respond code traffic toward the area of the pursuit until a secondary unit can be established and identified.

3. Once a secondary unit has been established, additional responding units may continue traveling with blue lights and siren activated in order to get in the area of the pursuit and assist with the vehicle stop or chasing any fleeing occupants.

4. The primary pursuit vehicle will maintain a safe distance from the pursued vehicle allowing opportunity for defensive maneuvers.

5. The secondary vehicle will notify Communications of their involvement and, if possible, assume all radio communications allowing the primary unit full devotion to driving. The secondary unit will also maintain a safe distance that will allow for defensive maneuvers while remaining close enough to render assistance.

6. Officers should never attempt driving maneuvers that are beyond their ability, or, which could result in the loss of control of their vehicle.

7. Officers will not pass or attempt to pass another police vehicle involved in the pursuit unless advised to do so by the primary unit or supervisor managing the pursuit.

8. If the primary unit becomes disabled, the secondary unit will become the primary unit. If more officers are needed, the supervisor managing the pursuit will make the determination to authorize additional units based on the seriousness of the offense, number of suspects, and other articulable facts that directly concern officer and public safety.

D. Assigned Unit

The supervisor managing the pursuit has the authority to assign additional units to become actively involved in the pursuit based on circumstances involving the basis for the pursuit. They will be responsible for justifying this decision and documenting their reasons in a supplemental report.

E. Uncommitted Unit

1. Uncommitted units may not engage in any pursuit that already has a primary and secondary unit unless "assigned" by the supervisor who is managing the pursuit.

2. Uncommitted patrol units in the area may move toward the vicinity of the pursuit with their blue lights and siren activated.

3. All other uncommitted units will remain aware of the direction and progress of the pursuit, but will not actively participate unless specifically assigned as described above.

F. Suspect Apprehension

Once the pursuit is terminated, the secondary unit should attempt to make the physical apprehension. Known risk vehicle stop procedures should be followed when practical. Officer safety is of primary concern and should be exercised at all times.

G. Special Purpose Vehicles

Officers operating unmarked vehicles, K-9 Vehicles or motorcycle units may initiate a vehicle pursuit in accordance with subsection 4.2.5 of this policy. Once a marked unit joins the pursuit, the unmarked unit, K-9 unit or motorcycle unit must assume the position of secondary unit. Upon the arrival of a marked secondary unit, the K-9 unit, unmarked unit or motorcycle unit must abandon the pursuit.

H. Pursuit Termination

1. Police officers, who are engaged in a pursuit as well as the supervisor managing the pursuit, must continually evaluate the circumstances to determine whether they should continue or terminate the pursuit.

2. When a decision is made by the primary officer or an order is given by a supervisor to terminate a pursuit, police officers will:

   a) Immediately turn off their emergency lights and siren, radio their location to the dispatcher and verbally acknowledge the order to terminate the pursuit.

   b) No longer follow the suspect vehicle, nor may they violate any traffic laws in an effort to catch up or parallel the suspect vehicle.

3. The discontinuation of a pursuit may be the best course of action to take. Officers and supervisors will be held accountable for continuing a pursuit when it is determined that it should have been terminated. Officers will continuously weigh the importance of the pursuit and justify the totality of events by considering the following:

   a) Clear and present dangers to the officer and the public,

   b) The suspect's identity and the probability of a later apprehension,

   c) Environmental conditions

4. Failure to comply with the procedures in this Written Directive may be justification for the termination the pursuit.

4.2.6 LAW ENFORCEMENT RECORDINGS

A. Officers should refer to O.P. 3.24, Law Enforcement Recordings for guidance on the proper operation of the in-car cameras and Body Worn Cameras.

B. While engaged in Vehicle Pursuits and/or Emergency Vehicle Operations, officers will turn off their AM/FM vehicle radios to prevent distortion while recording the events.

4.2.7 TIRE DEFLATION DEVICES (TDD)

The use of TDD's is **prohibited** during the course of a vehicle pursuit.

4.2.8 SUPERVISOR RESPONSIBILITIES DURING PURSUITS

A. Supervisors are responsible for managing every pursuit. In the event that no Lieutenant or higher-ranking officer is on duty or otherwise available to provide authorization, any supervisor may authorize the pursuit of another supervisor. The supervisor granting the authorization shall assume responsibility for overseeing, managing, and monitoring the pursuit in accordance with departmental pursuit policies and procedures. The authorizing supervisor will retain command responsibility for the duration of the pursuit or until relieved by a higher-ranking officer.

B. The supervisor managing the pursuit will continue monitoring the pursuit and will request updates as needed.

C. Supervisors will carefully consider the seriousness and necessity of the pursuit to make a determination to either approve/authorize or terminate the pursuit. The factors listed in Section 4.2.5 of this policy will be used as a guideline for allowing pursuits to continue or be terminated.

D. Supervisors will respond immediately to the point of termination and assume the responsibility for police investigation. Officers involved in a vehicle pursuit as a primary, secondary, assigned or responding to become a secondary unit, will complete a report detailing their involvement.

E. Supervisors will include in their review, details of every officer with any level of involvement.

F. Supervisors **will** initiate a Blue Team Pursuit Investigation whenever a pursuit is initiated. Supervisors should refer to Operating Procedure 1.1, Internal Administrative Investigation Procedures when completing all internal investigations.

4.2.9 JURISDICTION

A. Jurisdiction is defined as the incorporated city limits of Fayetteville, North Carolina and one mile beyond.

B. Supervisors may authorize pursuits beyond the city limits provided that radio contact can be maintained. Supervisors must ensure that the reason for the pursuit outweighs the risk to officers and citizens. Attempts should be made via Communications to inform surrounding jurisdictions of the pursuit and the potential of the pursuit going into their jurisdiction.

C. When law enforcement officers from neighboring agencies are involved in a pursuit which enters the Fayetteville city limits, no FPD officer will become actively involved unless formally requested by the pursuing agency and approved by a supervisor. The responsibility to weigh all factors lies with the supervisor. The supervisor's decision to become involved should be based on FPD guidelines for authorized pursuits.

D. If two vehicles from another agency are involved in a pursuit in the Fayetteville city limits, no officer will become involved unless approved by a Lieutenant or higher. Officers assisting outside agencies will terminate their involvement when the pursuit leaves this jurisdiction, unless further assistance is requested by the agency and authorized by a supervisor.

E. When a pursuit leads outside of FPD jurisdiction and an assisting agency is asked to take over pursuing the suspect vehicle, FPD officers will drop to a secondary position until such time as the assisting agency officer has an established secondary unit authorized to pursue in the current jurisdiction. Exceptions to this requirement can only be authorized by the supervisor managing the pursuit.

F. Any officer or supervisor monitoring a pursuit has the authority to terminate its continuance regardless of the rank of pursuing officers.

4.2.10 RESTRICTIONS

A. Officers will not actively engage in pursuits while transporting prisoners, suspects, complainants, witnesses, or civilian ride alongs.

B. Officers will not pursue suspects traveling the wrong direction on interstates, highways or any divided highway.

C. Officers will discontinue a pursuit if the vehicle pursued is being operated by a known juvenile who is operating in such an unsafe manner that it is obvious the juvenile does not have the maturity to deal with the danger involved or if the offense is an infraction, misdemeanor, or non-serious felony.

D. Officers will not use police cars to make deliberate contact with the suspect vehicle (ram) or force the pursued vehicle into parked vehicles or fixed objects.

E. Officers will not box-in, head off or drive beside the suspect vehicle unless the suspect vehicle is in a "stopped" or "nearly stopped" position. Boxing may be permitted to keep a stopped or nearly stopped vehicle from evading if it is otherwise safe to do so.

F. Moving and stationary roadblocks for the purpose of stopping a pursued vehicle are **prohibited**.

G. In accordance with N.C.G.S. 20-136.1 officers may use the Mobile Data Terminals (MDT) in the performance of their official duties. Short transmissions, such as entry of a license number for a stolen tag or vehicle or registration check, while the vehicle is in motion are permitted if they can be done safely. Reading messages while the vehicle is in motion should only be attempted when the message can be read safely.

H. In accordance with N.C.G.S. 20-137.4A officers operating departmental vehicles may use text messaging on cellular phones as long as the usage is in the performance of their official duties. The use of cellular phones is not authorized during emergency response or pursuits.

I. Pursuits are not authorized for DWI or suspected DWI violation.

4.2.11 REPORTING OF VEHICLES FAILING TO STOP

A CIR (Action 1) will be completed by any officer who encounters a situation in which vehicles fail to stop and a pursuit is initiated or prohibited by this procedure or terminated by a supervisor. It is important that the Department keep track of the frequency of these incidents and the conditions existing in each situation. This report will be completed using MFR, using the "IBR Code of 9914 Traffic-All Traffic Except DWI". Officers should document as much information as possible regarding the suspect vehicle and information concerning the circumstances of the stop.

4.2.12 TRAINING

Initial vehicle pursuit training will be conducted in BLET. An annual review of the pursuit policy will be disseminated through PowerDMS for all sworn employees.

4.2.13 REFERENCES

O.P. 1.1	Internal Administrative Investigation Procedure
O.P. 3.24	Law Enforcement Recordings
W.D. 3.1	Office of Professional Standards
W.D. 3.3	Disciplinary Action Procedures
W.D. 5.5	City Owned, or Leased Vehicle Collision Investigation, Reporting & Review
N.C.G.S. 20-141.5	Speeding to elude arrest, seizure and sale of vehicle
N.C.G.S. 20-145	When speed limit not applicable
N.C.G.S. 20-156	Exceptions to the right-of-way rule
N.C.G.S. 20-217	Motor vehicles to stop for properly marked and designated school buses
N.C.G.S. 20-136.1	Mobile Data Terminal Usage
N.C.G.S. 20-137.4A	Cellular Phone / Text Message Usage
CALEA Law Enforcement Standards	41.2.1, 41.2.2, 41.2.3, 61.1.6
CALEA Communications Standards	N/A
CALEA Training Academy Standards	N/A

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

4.3.0 OBJECTIVE

To establish guidelines governing all firearms and ammunition used by police officers while on-duty and off-duty.

4.3.1 TRAINING

A. Officers will qualify with their primary and secondary on-duty weapon as well as their off-duty weapon in accordance with standards set by the Basic Law Enforcement Training Course of Fire (BLET). Annual qualifications will include training on the following topics:

1. Legal, moral and ethical aspects of firearms use.
2. Safe firearm handling procedures.
3. Proficiency and judgment in the use of firearms.
4. FPD policy concerning the use of firearms and deadly force.

B. All Firearms training and proficiency will be documented on in-service training forms maintained at the Training and Education Center.

C. Only certified Firearms Instructors assigned to the Training and Education Center will conduct firearm training qualification and testing.

4.3.2 EQUIPMENT

A. The department shall provide all officers, at no cost, with a hat, eye protection (safety glasses), and hearing protection.

B. All officers participating in firearms training shall wear approved protective equipment, including but not limited to a hat, eye protection (safety glasses), and hearing protection. Officers who do not have the required protective equipment will be provided with a hat and appropriate eye and hearing protection by Training Center staff for the duration of the training.

4.3.3 WEAPONS QUALIFICATION

A. Service Weapons

1. All officers will be required to successfully qualify annually with their service weapons during in-service training.
2. Officers are responsible for maintaining their firearms proficiency.
3. Fifty rounds of practice ammunition per month are made available at no cost for each officer who chooses to practice at the department's firing range. If there is an approved range master or certified Firearms Instructor on duty, officers are authorized to shoot their 50 rounds of ammunition per month on duty at the discretion and approval of their supervisor.
4. Qualifications will be conducted as needed for officers changing weapons and/or assignments requiring special weapons needs prior to issuing a weapon.
5. Only two attempts at qualification will be allowed per scheduled shooting session, <u>except</u> in the event of equipment malfunction. No “warm up” shooting will be permitted.
6. Testing and scoring will be in accordance with the required BLET Course of Fire. Pistol Qualification scoring requirements are:

   a.) Daytime qualification requires a score of 80 percent.
   b.) Nighttime qualification requires a score of 80 percent.

7. Failure to meet the qualification standards is a failure to qualify.

8. Any officer who fails to successfully qualify in two attempts with a minimum score of 80% will be considered to have a training deficiency. This deficiency will be documented in Blue Team on a Training Deficiency form. This deficiency does not count towards an officer's overall disciplinary matrix unless these deficiencies are continuous. If an officer has repeated deficiencies, then the officer may be subject to disciplinary action up to and including a consideration of dismissal.
9. The officer will immediately relinquish his/her weapon to the Training and Education Center Supervisor if they fail to qualify on their second attempt. The officer's chain of command and the Internal Affairs Unit will be notified.
10. All weapon qualifications will be conducted under the direction of a certified Training Staff Firearms Instructor.

B. Shotguns and Rifles

1. The Training and Education Center Supervisor will determine the scoring method and qualification standards for shotguns and rifles.
2. Personnel must attend a departmental approved rifle/shotgun course and receive a score of at least 85 or higher (rifle) or 80 or higher (Shotgun) for both day & night qualifications prior to the weapon being issued.
3. Supervisors and officers will be issued shotguns or rifles based on their assignment and must qualify annually with the weapon; one-day qualification and one-night qualification.

C. Secondary or Off-Duty Weapon

1. Officers wishing to qualify with a personally owned secondary or off-duty weapon may do so on their own time and at their own expense and only after the weapon and ammunition have been approved by the Training and Education Center Supervisor and/or Firearms Instructor.
2. Officers carrying any secondary or off-duty weapons must complete a day qualification and a night qualification of 80 percent for revolvers and/or semi-automatics on the BLET Course of Fire in order to carry the weapon. Officers must qualify annually to retain the privilege to carry the weapon.
3. If the off-duty or secondary weapon is other than an officer's issued weapon, the officer must demonstrate all aspects of weapon safety, mechanical functions, and proficient use to the satisfaction of a Training Firearms Instructor.
4. When an officer obtains a different off-duty weapon, qualification must take place before the weapon may be carried.

D. Negligent Discharge

All employees are required to treat every firearm as if it is loaded, regardless of its perceived condition. Firearms must be handled at all times in a manner that ensures the safety of oneself and others.

In the event of a negligent discharge, the employee involved must report the incident immediately to an on-duty supervisor and be retrained in safety aspects of firearms.

4.3.4 FAILURE TO QUALIFY

A. Duty Weapon

1. If an officer fails to qualify with his/her duty weapon, the officer will be assigned to the Training and Education Center for training purposes.
2. The officer will be allowed to practice and receive remedial training given by a certified firearms instructor during a time established by the Training and Education Center Supervisor.
3. The officer will be tested on the BLET qualification course using the department approved qualification target, until he or she qualifies to BLET standards. If an officer is unable to qualify following remedial training set forth by the NC Administrative Code 12NCAC09E.0107, the officer may be issued a disciplinary action up to and including a Consideration of Dismissal.
4. Barring extenuating circumstances, officers will only be permitted to receive **one** 40-hour block of remedial training.

5. After an officer successfully qualifies the officer will be required to report to the Training Center on a monthly basis and conduct live fire shooting with a certified firearms instructor. The officer will be required to shoot a minimum of 50 rounds during this training session.
6. Any officer who has a Firearms Training Deficiency will not be eligible to re-qualify in the upcoming year until they have completed a minimum of six months of live fire training sessions.
7. Any officer who receives a Firearms Training Deficiency will also be required to attend the department's yearly Firearms and/or Red Dot Refresher course.

B. Off-duty Weapon

If the failure to qualify concerns other than the duty weapon, the officer will have his privilege to carry the weapon revoked.

4.3.5 WEAPONS, AMMUNITION, AND HOLSTERS

A. The department maintains a listing of department weapons issued to officers, available inventory, and weapons awarded to retired officers. A list of approved duty ammunition is in section 4.3.8, along with Approved Specialty/Emergency Response Weapons.

B. Weapons, ammunition, and munitions must be specifically issued to individual officers. No firearms, ammunition or munitions will be issued to units. No officer may possess more than two issued weapons at any time, unless authorized by the Chief of Police.

1. The Training and Education Unit is responsible for:

a.) Maintaining an inventory and control of all departmentally purchased and acquired firearms, ammunition, munitions and holsters.
b.) Qualifying and assigning every weapon and/or munitions assigned to agency personnel under the direction of a Training Staff Certified Firearms Instructor.
c.) Qualifying, assigning and retrieving "specialized" weapons and/or munitions when an officer is assigned or transferred to or from a specialized unit or function.
d.) Conducting an annual inventory of all department weapons and munitions. Random inspections or spot-checks will be conducted periodically and at the discretion of the Chief of Police or designated representative. The annual inventory should be conducted each year during annual qualifications. The annual inventory will include make, description, model, serial number, and officer assigned. If officers are in possession of specialty weapons and munitions, it will be noted if the officer is still performing a specialized assignment or function requiring the use of specialized weaponry.
e.) Ensuring that all components attached to any weapons including, but not limited to, (scopes, attachable flashlights, laser pointers, etc.) are approved and accounted for in Training Unit records.
f.) Updating inventory records in the Training Unit database.
g.) Ensuring that the number of weapons issued to any one employee does not exceed the number of weapons needed to complete the specialized assignment or function. Unless authorized by the Chief of Police no officer will be issued more than two firearms at any time.
h.) Providing a Training Staff Certified Firearms Instructor for the purpose of monitoring and documenting all proficiency training. All weapons qualifications will be conducted under the supervision of a certified Training Staff Firearms Instructor.
i.) Inspecting all weapons and munitions for serviceability to include the repair and or removal of unsafe weapons and munitions.
j.) The continuous review of all guidelines for the safe and proper storage of departmental authorized weapons and munitions.
k.) Ensures that all necessary forms regarding firearm qualifications are submitted to the Criminal Justice Training and Standards Division.

C. Duty Weapons / Ammunition / Holsters

1. While on-duty, unless the Chief of Police grants special permission, all officers will be armed with their issued duty weapon and ammunition. The standard duty weapons issued will be the 9mm Glock Models 17, 19, or 26. Uniformed or plainclothes officers will be issued the 9mm Glock

Model 17. Command staff will be issued the Glock Model 17 or at their request the 19. Undercover officers will be issued a Glock 19 or in special circumstances the Glock 26. ERT officers will be issued the Glock 17 as their primary weapon.

2. Uniformed and plainclothes officers will carry their weapons in issued holsters or in holsters that are approved for safety by a Training Firearms Instructor. If a department issued weapon is lost or stolen the officer will:

   a.) Immediately notify their supervisor. The supervisor will contact the Training Unit who will make arrangements for the officer to qualify with another weapon.
   b.) Complete a CIR with the agency that has jurisdiction. This report will detail the circumstance of how the weapon was lost or stolen.
   c.) Ensure the weapon information is entered into the proper DCI/NCIC weapons files.
   d.) Provide copies of the CIR and NCIC entry form to their supervisor for inclusion into internal files. These copies will also be placed into the officer's department clothing file record and will include the appropriate notation (OCA, NIC, etc.) indicated in the departmental weapons inventory list.

D. Off-duty and Secondary Weapons / Ammunition / Holsters

1. A Training and Education Center Firearms Instructor must approve off-duty and secondary weapons, ammunition, and holsters.
2. Handguns carried as a secondary weapon or carried in an off-duty capacity must be no less than a .22 caliber, but no greater than a .45 caliber.
3. Officers must have the ammunition that is to be used in the weapon certified and approved by a Training and Education Center Firearms Instructor. Only factory-loaded ammunition will be carried in department approved weapons.
4. Officers must have the weapon's safety functions inspected by a Training and Education Center Firearms Instructor.
5. Officers must discreetly and securely carry any off-duty or secondary weapon.
6. All approved firearms must be registered with the Training and Education Center by make, model and serial number.

4.3.6 CARRYING WEAPONS OFF-DUTY

A. Officers are authorized by Federal and State Statute as well as department regulations to carry concealed weapons off-duty. Carrying a weapon off-duty is not required. Each officer may choose whether to be armed or unarmed while off-duty. When carrying a weapon off-duty, officers will:

1. Not consume or be under the influence of alcoholic beverages or any other impairing substance.
2. Abide by the department's Use of Force policy.
3. Be covered by the same standards and requirements as if on duty when he/she uses a firearm while acting in the official capacity as a Law Enforcement Officer
4. Have proper Law Enforcement Officer Identification in their possession.

B. An off-duty officer taking official action will be considered on-duty at the commencement of the action. If an unarmed off-duty officer is involved in a situation that may be construed as being actionable, there will be no disciplinary action taken for failure to take enforcement action. An officer in uniform will be armed, whether on-duty or off-duty.

4.3.7 STORAGE OF WEAPONS

A. On-Duty

While on-duty, officers shall secure their weapons in a lockbox or secure storage. Where a lock box or secure storage is not available, on-duty officers will secure their weapons in the trunk of their vehicles.

B. Off-Duty

Officers are responsible for the safe storage of their weapons when off-duty. Weapons will be maintained in a locked or secure location in the home or stored with an appropriate child safety device.

4.3.8 STANDARD MAGAZINE CAPACITIES

A. Duty handguns will be carried with 1 round of ammunition in the chamber and all magazines will be fully loaded or with 1 round less than maximum capacity.

B. Officers must be able to account for all 50 issued departmental rounds/ammunition at all times.

C. AR 15/M16: these weapons should be stored in "cruiser safe" condition with an empty chamber. A magazine should be inserted with 28 rounds of ammunition and all spare magazines should be loaded with 28 rounds of ammunition.

D. All issued shotguns should be stored in "cruiser safe" condition with an empty chamber and full magazine tube.

Any non-standard weapons carried off duty should follow the rules of thumb presented above.

4.3.9 AUTHORIZED WEAPONS AND AMMUNITION

A. Approved Duty Ammunition

1. PISTOL: Winchester 147gr Ranger T JHP
   Speer 147 gr Gold Dot JHP
2. 308 RIFLE: Hornady 168 gr AMAX
3. Federal 168 gr Gold Medal BTHP
   Federal 169gr. Tactical Bonded
4. 223/5.56 RIFLE: Federal 223 64gr TRU/Hi shok
   Federal XM193 55gr FMJ
   Winchester 55gr BST
   Hormeday 62gr TAP
   Federal 223 55gr FMJ
   CCI Speer 64gr GDSP
5. SHOTGUN: Winchester 1oz Slug RR
   Winchester 9 Pellet 00BRR
6. Federal 1oz SlugFederal 9 Pellet 00B

B. Approved Specialty/ERT Weapons

1. SigSaur MCX .223/5.56mm Rifle
2. DPMS AR15/AP4 .223/5.56mm Rifle
3. Smith and Wesson M&P15 .223/5.56mm Rifle
4. Remington 700 .308/7.62mm Rifle
5. Geissele AR15 .223/5.56mm Rifle
6. Mossberg 500 12 Gauge Shotgun
7. Remington 870 Gauge Shotgun
8. HK69 40mm Launcher
9. GL-6 40mm Launcher

4.3.10 REFERENCES

CALEA Law Enforcement Standards	1.2.2, 4.3.1, 4.3.2, 4.3.3, 4.3.5, 41.3.4
CALEA Communications Standards	N/A
CALEA Training Academy Standards	7.4.7

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

4.4.0 OBJECTIVE

To establish procedures for towing, inventory, and storage of impounded vehicles and notifying vehicle owners of their right to a hearing to contest the towing, in compliance with NCGS 20-219.9-219.14.

4.4.1 DETERMINING WHEN TO TOW

A. If the operator of a vehicle is arrested, the operator will be allowed to determine the disposition of the vehicle. Vehicles will **not** be towed when the following circumstances exist:

1. The operator or owner is on the scene and in the officer's judgement the operator or owner is capable of making a rational decision regarding the disposition of the vehicle. The owner or operator must sign a Vehicle Disposition/Towing Request Waiver of Liability Form.
2. The proposed disposition will not interfere with the case, permit escape, create a traffic problem, infringe on property rights, or otherwise lead to a questionable legal situation.
3. The operator or owner decides to turn the vehicle over to another person. The arresting officer must confirm that the person taking control of the vehicle has a valid operator's license and is not under the influence of an impairing substance.
4. The operator or owner decides to leave the vehicle parked at the place of arrest if parking is legal at that location.

B. Officers may allow the operator to legally park the vehicle, if doing so does not create a traffic problem and the operator is capable of operating the vehicle.

C. If necessary, the officer may move the vehicle to a position off the roadway, lock the vehicle and return the key to the owner or operator, with the operator or owner's consent.

D. When the operator of the vehicle has been arrested or is in the process of being arrested for a violation of a motor vehicle law or a related City Ordinance, the violator's vehicle will not be towed unless authorization is first obtained from the officer's supervisor.

E. Where the operator has been arrested in circumstances other than described above, the officer shall order the vehicle towed. It is prohibited to tow, without consent, any vehicle not constituting a traffic hazard due merely to the arrest of the owner or operator.

F. In all cases where a vehicle is not towed and the owner or operator is arrested, a Vehicle Disposition/Towing Request Waiver of Liability Form will be completed and signed by the operator or owner, if the person is not violent or excessively intoxicated, before the officer leaves the scene. When the owner/operator requests to leave the vehicle on scene and the request is video/audio recorded, the Vehicle Disposition/Towing Request Waiver of Liability Form will be completed and signed after the arrestee is transported.

G. If the operator or owner refuses to sign the Vehicle Disposition/Towing Request Waiver of Liability Form or the vehicle creates a traffic hazard, the officer will contact a supervisor for authorization to tow the vehicle.

H. A vehicle that is illegally parked may be towed only if signs are posted warning that violators may be towed. In the case of handicapped parking spaces, such tows are allowed only where the required sign is posted at that space. However, vehicles parked or stopped in a manner that obstructs traffic or creates a hazard may be towed regardless of the presence of a sign.

4.4.2 OFFICER DUTIES

A. Officers requesting City Communications to contact a tow company must complete one of the following reporting methods:

1. Officers who have electronic reporting training and accessibility will use this method in lieu of the handwritten form.
2. Officers who do not have access or training in electronic reporting will request an officer who has access to electronic reporting complete the electronic report on their behalf.
3. POL-431, Notification of Towing and Right to Hearing Form, should only be used if the electronic system is offline.

B. This reporting must be completed except as noted in section 4.4.5 or in cases of a forensic related tow brought to the Police Department by the City designated towing company. At the conclusion of the investigative process, when the vehicle is towed from the Police Department by a rotation wrecker, a towing report must be completed at the time the vehicle is towed and copies must be distributed immediately.

C. When an officer orders a tow that is not within one of the two exceptions listed above, the officer will make reasonable attempts to notify the registered owner of the vehicle with the location of the vehicle and their right to a hearing regarding the towing. Officer's responsibilities are as follows:

1. The officer will complete the Electronic Towing Report, or POL-431 if the electronic report is offline, as thoroughly and completely as possible. The information entered on the Vehicle Storage Receipt will be utilized by the Central Records Unit to mail the form to the registered owner when necessary.
2. If the vehicle is registered in North Carolina, the officer must, as soon as possible and always within twenty-four (24) hours of the towing, attempt to contact the registered owner.
3. If the vehicle is registered outside North Carolina notification shall be attempted as soon as possible and always within seventy-two (72) hours of the towing.
4. If the officer is successful in contacting the registered owner, the following information should be given:

    a) A description of the vehicle.
    b) The place where the vehicle is stored.
    c) The violation with which the owner is charged.
    d) Instructions for the owner to retrieve the vehicle by going to the place where the vehicle is stored and paying the towing and storage fees.

D. If the officer is not successful in contacting the owner, the owner will be notified by mail as described in bullet a. This will be documented through the Electronic Towing Report system or on the Vehicle Storage Receipt, maintained by Central Records, depending on which method is utilized by the officer.

E. To obtain a hearing, the owner must present a written request for a hearing to the Magistrate on duty. If the owner makes a written request for a hearing, the Magistrate will set a hearing time within seventy-two (72) hours after the owner's request.

1. At the hearing, the only question for the Magistrate to decide is whether there was probable cause for the towing of the vehicle.
2. If the Magistrate finds probable cause for the towing, the wrecker service will be entitled to hold the vehicle until the owner pays the fee or puts up a bond.
3. If the Magistrate finds no probable cause for the towing, the vehicle will be returned to the owner without having to pay.

Note: Either party has a right to appeal an adverse decision by the Magistrate to the District Court Judge.

4. At any time during the proceedings listed above, including prior to the probable cause hearing, the registered owner, may obtain possession of their vehicle by:

    a) Paying the towing fee, or
    b) Posting a bond for double the amount of the towing fee.

F. No additional contact is required if the registered owner is present at the towing scene and the hearing procedures have been explained and documented on the Notice of Towing and Right to Hearing section of POL-431 or Electronic Towing Form. Officers should refer to the form for a listing of these rights and hearing procedures.

4.4.3 VEHICLES TOWED BY WRECKERS

A. When an officer requires a wrecker to remove a motor vehicle, unless the operator or owner requests a specific towing service, only the established list of rotation wreckers will be used. Officers shall contact Communications and request a "rotation wrecker."

B. Officers shall complete a Vehicle Storage Receipt-Affidavit-Notice of Towing and Right to Hearing Form (POL-431) or Electronic Towing Report. If a POL-431 is used, copies must be distributed as indicated on the bottom of the form.

C. Any officer having a vehicle towed will conduct an inventory of all property in the vehicle. If a key is available, the trunk and the glove compartments will be inventoried. When compartment keys are not available, this will be noted on the Vehicle Storage Receipt section of POL-431, Electronic Towing Report or incident/supplement report.

D. Locked or sealed items such as suitcases and boxes normally will not be forcibly opened. Enter a brief description of the items (e.g. "one locked, brown briefcase") on the Vehicle Storage Receipt section of POL-431 or Electronic Towing Report and secure the item by placing it in the trunk of the vehicle, if possible.

4.4.4 VEHICLE STORAGE RECEIPT-AFFIDAVIT-NOTICE OF TOWING AND RIGHT TO HEARING REPORT

A. The officer will fill out a POL-431 or Electronic Towing report each time a vehicle is towed. If a POL-431 is used, copies must be distributed as indicated on the bottom of the form.

B. The officer will complete the Vehicle Storage Receipt section of the form with all relevant information. The officer, owner or the driver of the towed vehicle, and the wrecker driver should sign the Vehicle Storage Receipt section. The goldenrod copy of the POL-431 will be given to the wrecker truck driver.

C. The officer will complete the Affidavit section and the Notice of Towing and Right to Hearing section of the form or electronic towing report and swear to the form before a Magistrate. The original (white copy) form will be turned into the Magistrate.

D. The canary copy of the POL-431 will be turned in to the Central Records Unit (CRU) or the Electronic Towing Report will be completed by the end of the officer's tour of duty.

E. The officer will keep the pink copy of the POL-431.

F. If the Electronic Towing Report is used, only the Magistrate's copy requires distribution.

G. If the owner is present, in appropriate cases as set forth in Section 4.4.7, then the officer will advise the owner of the right to a hearing to contest the towing. The officer will document this by checking the block provided on the Vehicle Storage Receipt section of POL-431 or electronic towing report.

4.4.5 VEHICLE DISPOSITION/TOWING REQUEST WAIVER OF LIABILITY FORM

A. The Vehicle Disposition/Towing Request Waiver of Liability Form will be filled out by the officer and signed by the owner or person in control of the vehicle in all cases where a vehicle is not towed and the owner or operator is arrested.

The original (white copy) will be turned in to the Central Records Unit.

B. The goldenrod copy will be given to the owner or person in control of the vehicle and the officer will the keep pink copy.

4.4.6 TOWING POLICE DEPARTMENT VEHICLES

A. Disabled or wrecked police cars are to be towed according to City policy. A Vehicle Storage Receipt - Affidavit form is not necessary when a department vehicle is towed.

B. When a police vehicle is towed, the officer operating the vehicle will be responsible for removing their issued equipment from the vehicle.

4.4.7 VEHICLES TOWED TO THE POLICE ADMINISTRATIVE BUILDING (PAB)

A. Vehicles towed to the PAB due to further investigations, search warrants, forensic processing, or any other reason are **not authorized** to remain at the PAB for more than 48 hours without written approval from a Captain or higher.

B. The person escorting the tow/wrecker driver to the PAB is responsible for ensuring the Vehicles Towed to the PAB form, POL-209, is filled out and placed face up on the interior dashboard of the vehicle.

C. Written approval is to be documented in a report supplement by the person providing the approval. This supplement should document the reason the vehicle must be kept at the PAB for more than 48 hours and how long the vehicle is authorized to remain at the PAB.

D. The parking area of the PAB is not considered a secure facility and as such, it is paramount vehicles towed/seized for evidentiary purposes be processed as soon as possible.

4.4.8 ABANDONED VEHICLES

A. A vehicle suspected of being abandoned will not be towed by order of the officer who discovers the vehicle unless the vehicle is causing a traffic hazard, or the required notice has been posted.

B. When an abandoned vehicle is towed because it creates a traffic hazard, the initiating officer shall enter “Traffic Hazard” and the related traffic violation on POL-431 or Electronic Towing Report in the “Reason” space on the Affidavit. Do not enter “ABANDONMENT.”

C. For vehicles abandoned according to VCO 20-216, that do not constitute an immediate traffic hazard, officers should utilize the department “Police Tow sticker” and record the appropriate information with a 7-day owner response time. The officer will notify dispatch of the location, vehicle description, vehicle registration and placement of the sticker.

4.4.9 PRIVATE PREMISES

A. When officers on duty are requested by citizens to remove vehicles from private property, the officers will refer to NCGS 20-219.2 concerning the towing of vehicles parked, without authorization, on private property and further explain to the citizen that they may have the vehicles towed without the assistance of the police. Officers on duty will not request tows of unauthorized vehicles parked on private property.

B. Officers employed in an off-duty capacity will advise the employer that the employer, not the officer, must contact a wrecker, chosen by the employer, to have a vehicle towed.

4.4.10 HEARING PROCEDURES IN CERTAIN TOWING CASES

A. State law establishes procedures that a law enforcement officer must follow when having certain vehicles towed and provides for a hearing before a Magistrate for vehicle owners who wish to contest the towing.

B. The law applies to any towing carried out under the direction of a police officer, EXCEPT:

1. When seizing a vehicle for forfeiture or as evidence; or
2. When the towing is requested or voluntarily consented to by the person in control of the vehicle, for example, in many wreck situations.

4.4.11 TOWING HOLDS

A. Officers must receive supervisory approval before placing a vehicle on hold. The officer will be responsible for releasing the hold as soon as possible when the need no longer exists. This should be done within 72 hours unless there are extenuating circumstances i.e., a detective requests the hold. If a vehicle is put on hold at the request of a detective, it is that detective's responsibility to ensure the hold is released as soon as possible when the need no longer exists.

B. If a vehicle is put on hold for a hit and run that is forwarded to the Hit and Run Investigator, the Confidential Hit and Run form must reflect this information. If the hold is completed appropriately, the Hit and Run Investigator will release the hold. If it is not completed appropriately, the officer who put the vehicle on hold will be responsible for the release.

4.4.12 DUTIES OF THE CENTRAL RECORDS UNIT

A. CRU is responsible for ensuring that a Vehicle Storage Receipt-Affidavit-Notice of Towing and Right to Hearing Form is mailed to the registered owner of any vehicle which is subject to State law hearing procedures as described above.

1. If the towed vehicle is registered in North Carolina, the mailing must occur within twenty-four (24) hours of the towing.
2. If the towed vehicle is registered outside North Carolina, the mailing must occur within seventy-two (72) hours of the towing.

B. CRU shall retain completed copies of POL-431 forms for a period of two (2) years from the date of towing.

4.4.13 THE HEARING

A. There are certain vehicle tows in which a vehicle owner has the right to contest the validity. Such challenges will result in a hearing before a Magistrate.

B. Officers are to comply with procedures established by the Chief District Court Judge regarding the conduct of these hearings.

C. Officers are required to file Affidavits with the Magistrate's office and may have to appear personally to give oral testimony at such hearings.

4.4.14 REFERENCES

N.C.G.S. 20-219.2	Removal of Unauthorized Vehicles from Private Lots
Fayetteville Code of Ordinances Chapter 16, Article XI	Abandoned, Junked, and Nuisance Vehicles
POL-209	Vehicles Towed to the PAB Information Form
POL-431	Notice of Towing and Right to Hearing Form

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

	Fayetteville Police Department **WRITTEN DIRECTIVE**	**Number** **4.5**
	Subject **VEHICLE LOCK-OUTS**	**Effective Date** 19 November 2013
	Revised 03-20-89, 12-07-92, 01-18-94, 1-20-00, 02-25-02	**Page** 1 of 1

4.5.0 OBJECTIVE

To establish guidelines for responding to vehicle lock-out requests.

4.5.1 ASSISTANCE

A. The department will provide assistance to citizens locked out of a vehicle only in emergency situations. The on-duty supervisor will decide if the situation is an emergency.

B. Only authorized personnel may use vehicle-opening tools. Officers will not use the Slim Jim on vehicles with a passenger door air bag system.

C. Officers must determine proof of ownership and run a Vehicle Registration Information check and a Check for Wanted through DCI before unlocking the vehicle. The person responsible for the vehicle must sign an "Authorization to Use Slim Jim or Window Breaker" form (POL-469) before the vehicle is unlocked.

D. The POL-469 forms must be submitted with the officer's daily paperwork and filed. If necessary, officers will also note the circumstances justifying forced entry and complete an Incident Report.

4.5.2 LOCKOUT REFUSAL

When a citizen is refused lockout assistance, they should be given a courteous explanation that it is in their own best interest to have a qualified professional unlock their vehicle.

By Order Of: Harold E. Medlock
Digitally Signed

4.6.0 OBJECTIVE

To establish procedures for handling and conducting Field Interviews.

4.6.1 DEFINITIONS

A. Biased Based Profiling – the selection of individuals for investigative, detention or arrest purposes based solely on a trait common to a group. This includes, but is not limited to, race, ethnic background, gender, sexual orientation, economic status, age, culture or any other identifiable group or belief system of the individual detained.

B. Field Interview – The brief detention of an individual, whether on foot or in a vehicle, based on reasonable suspicion of a crime for the purposes of determining the individual's identity and resolving the officer's suspicion.

C. Investigative Stop – An investigative stop involves the stopping of either a vehicle or a person. Reasonable suspicion is the necessary standard for investigative stops based on a reasonable suspicion that the person committed, is committing, or is about to commit a crime. The stop must be brief, and the officer must pursue an investigation in a diligent and reasonable manner to confirm or dispel their suspicions quickly. *Terry v. Ohio*, 392 U.S. 1, 11-27 (1968).

D. Pat-down or Terry Frisk (limited search) – An external feeling of the outer garments of an individual that is limited to frisking for weapons. The officer does not automatically have the right to frisk. A frisk occurs where the officer can articulate that the individual may be armed AND threatens the safety of the officer(s) or persons in the area. An officer may not manipulate objects which are discovered under the clothing. However, illegal contraband that is immediately apparent based on the officer's training and experience can be seized. *Terry*, 392 at 16.

E. Probable Cause – More than bare suspicion; it exists when the facts and circumstances within the officer's knowledge, of which officers have reasonably trustworthy information, are sufficient in themselves to warrant a person of reasonable caution in the belief that a crime has been or is being committed.

F. Reasonable Suspicion – Specific and articulable facts, which taken together with rational inferences from those facts allow an officer to conduct a Terry Stop.

G. Search – An examination of a person's body or property by a law enforcement officer for the purpose of finding evidence of a crime. A search defined as such should be based on probable cause and is a search of an area in which the person would have a reasonable expectation of privacy.

H. Stop, Detention, or Custody – The restraint upon an individual's freedom to walk away or leave from an encounter with an officer, based on reasonable suspicion or probable cause. These actions are considered "seizures" under the Fourth Amendment no matter how "temporary" the restraint. *Terry* 392 at 16.

I. Suspicious Person – the behavior, appearance or demeanor of an individual which, based on reasonable suspicion, suggests that he/she is, has been, or may be engaged in criminal activity. Mere presence in a high crime area is never enough.

J. Voluntary/Consensual Encounter – A voluntary/consensual encounter occurs when a police officer approaches an individual and engages them in conversation, but the individual remains free not to answer and to walk away. *Florida v. Bostic*, 501 U.S. 429 (1991).

4.6.2 FIELD INTERVIEW DOCUMENTATION AND PROCESSING

A. Officers are encouraged to conduct Field Interviews as an investigative tool, crime prevention measure, and for collecting, preserving and disseminating information on potential suspects involved in criminal activity. Officers shall document all "Field Interviews" in the Field Contact Module in RMS/MFR in order to provide other officers and investigators information concerning suspicious activities or persons.

B. If after conducting a Field Interview there is no basis for making an arrest, the officer shall record the facts of the interview electronically in RMS/MFR using the Field Contact Module. When completing a Field interview officers will be required to:

1. Identify the appropriate reason code in the "Reason "field.
2. Select the "Field Interview" code within the "Report Type" field.
3. The officer will identify the citizen interaction as either a "Pedestrian" or" Traffic Stop" within the "Factor of RS" field to differentiate the type of encounter.
4. The following applicable information will be completed and included within the Field Interview:

    a) Date and Time of interview
    b) Name of the person you interviewed
    c) Address and telephone number that the person gave as their current location they are dwelling at based on the interview
    d) Date of Birth
    e) Race
    f) Sex
    g) If the subject of the interview was driving a vehicle or riding as a passenger in a vehicle the registration plate number, state of issuance, vehicle type, year, make, model and color should also be included.

    If the person(s) are riding, or are together in a manner that would appear they are together, then an attempt should be made to collect the information described above for all persons.
    h) Detailed description of the stop/interview within the remarks section.

        1) Reason for the stop in detail,
        2) Location of the stop,
        3) Whether the subject had a weapon in his/her possession,
        4) Whether the subject had property is his/her possession,
        5) Any associated subjects at the time of the interview.

    i) Detailed description of clothing and/or anything else that would make the person stand out. For example, including but not limited to: facial tattoo, prosthetic limb, physical deformity, and speech as in pattern or accent.

C. When a Field Interview results in information that requires dissemination or follow up, the reporting officer will complete and print the information exchange form in RMS/MFR and indicate who should receive the information in the narrative field.

4.6.3 DETAINING

A. If during the field interview, the individual gives sufficient facts to the officer or the officer learns of facts which raise the officer's "reasonable suspicion" to probable cause to believe the subject has committed an offense, the officer may make an arrest for the offense and take the subject into custody.

B. If during the field interview, the reasonable suspicion does not rise to probable cause, the officer must release the individual after a reasonable period of time. A reasonable period of time ordinarily involves a relatively short period of time depending upon what must be investigated by the officer. The seriousness of a crime is one factor to be considered when determining length of detention. Crimes of violence may warrant longer detention of suspects than nonviolent crimes.

4.6.4 FRISKING

A. As in every law enforcement situation, if the officer has reasonable grounds to believe, based upon facts known to the officer, that the officer's safety is threatened, the officer may conduct a limited pat-down frisk of the individual for his own safety. The pat-down frisk cannot be used as a maneuver to search for incriminating evidence. It may only be used to protect the officer from harm. The search is limited to a pat-down search of outer garments to detect concealed weapons.

B. The United States Supreme Court has sanctioned the police practice of stopping suspicious persons on the street or other public places for purposes of questioning them or conducting some other form of investigation. During the investigatory stop, police may frisk the detainee for dangerous weapons. The reasonable suspicion justifying an investigatory stop and frisk must be based on facts that may include:

1. The demeanor of the suspect.
2. The gait and manner of the suspect.
3. Knowledge of the suspect's background or character.
4. The manner in which the suspect is dressed, including bulges in his/her clothes.
5. The time of the day or night the suspect is observed.
6. Any conversation of the suspect that is overheard.
7. The location.
8. Information received from third parties.
9. Whether the suspect is consorting with others whose conduct is reasonably suspicious.

C. The officer may also secure any areas within the detained person's immediate reach if he reasonably suspects that such areas might contain a weapon or other dangerous instruments. If the removal of a weapon simultaneously discloses an incriminating object, that item may be seized and may be used by the officer in determining whether probable cause exists to arrest the suspect.

4.6.5 QUESTIONING

The officer's duty and right to investigate unusual activity includes questioning persons acting suspicious. An officer does not have to warn a subject of their Miranda rights unless the person is (1) in custody **and** (2) is interrogated. A warning is not required during general investigation into suspicious conduct.

4.6.6 REFERENCES

W.D. 1.08	Fair and Impartial Policing
O.P. 3.05	Securing, Searching and Transporting Arrested Persons
O.P. 5.7	Preliminary / Follow-up Investigations and Constitutional Requirements

Terry v. Ohio, 392 U.S. 1, 11-27 (1968)
Florida v. Bostic, 501 U.S. 429 (1991)

By Order Of: Gina V. Hawkins
Digitally Signed

4.7.0 OBJECTIVE

To provide department employees with guidelines necessary to deal effectively with individuals who are hearing impaired.

4.7.1 LEGAL REQUIREMENTS

A. In the event an employee is unable to adequately communicate with a hearing impaired victim, witness, or suspect, the employee will seek an approved interpreter to assist with the communication between the employee and/or court officials and the deaf individual.

B. North Carolina General Statute Chapter 8B requires provisions to be made for interpreters for hearing impaired persons involved in certain police actions.

4.7.2 DEFINITIONS

A. Deaf Person - A person whose hearing impairment is so significant that the individual is impaired in processing spoken information through hearing, with or without amplification. For the purpose of this policy, “deaf person" includes adults and juveniles.

B. Qualified Interpreter - An interpreter for the deaf who is certified as qualified under standards and procedures promulgated by the North Carolina Department of Human Resources.

C. Nonqualified Interpreter - An interpreter for the deaf not certified by the North Carolina Department of Human Resources who can adequately communicate with and interpret for the deaf in a simultaneous and accurate fashion. This interpreter may be used if a deaf person is a witness, victim or complainant.

D. Non-court approved interpreters may be used in communicating with complainants or witnesses.

E. Court approved interpreters must be used to interview suspects or arrested persons or in any other action where criminal proceedings are likely to follow.

4.7.3 REQUESTING AN INTERPRETER FOR THE DEAF

A. If a deaf person is arrested, the arresting officer must immediately take the person before a Magistrate. If the Magistrate determines an interpreter is required, he/she will obtain the services of an interpreter. Officers shall not interrogate or warn/notify the arrestee of his/her rights without the use of a qualified interpreter.

B. When interviewing a deaf person who is not in custody and has not been arrested (suspect, witness, victim or complainant), the interviewing officer will request that the Watch Commander obtain an interpreter. The Watch Commander’s office, Communications Department, and the Human Relations Department will maintain a list of qualified and nonqualified interpreters for this purpose.

C. Human Relations requires a minimum of 48 hours notice when the services of an interpreter are needed. A hearing impaired person requesting such service must state the reason for the request and the exact date and time, as closely as possible, when the services will be required.

4.7.4 INTERVIEWING DEAF SUSPECTS WHO ARE NOT IN CUSTODY

A. Officers are not legally required to provide interpreters to deaf suspects who have not been arrested or who are not in custody. The following factors should be considered, though, when weighing the inconvenience of obtaining an interpreter against not having an interpreter at all:

1. Due to their handicap, many hearing impaired persons also have poorly developed reading skills.
2. If the person to be interviewed is a suspect, a complainant or a witness, their statements could possibly be used in criminal proceedings.
3. If the suspect successfully contends that he could not adequately read his Miranda rights, all handwritten statements and other evidence will be excluded from court.

B. A deaf suspect may elect to waive either or both the rights to an interpreter or his/her Miranda Rights, unless he/she has been placed under arrest. If the deaf suspect chooses to make a voluntary statement once the waiver of rights form has been completed, request him/her to write the statement in his/her own words. If the person cannot write, then a qualified interpreter must be relied upon to assist the officer in obtaining a statement.

4.7.5 INTERVIEWING DEAF PERSONS WHO ARE IN CUSTODY

A. Officers are legally required to provide qualified interpreters to hearing impaired persons under arrest, prior to any questioning. The department maintains a separate Miranda Statement of Rights Waiver form for hearing impaired persons. If a deaf suspect waives his/her rights, the waiver must be approved in writing by the person's attorney. If the person does not have an attorney, approval must be made in writing by the appointing authority (presiding judge or clerk of superior court) NCGS 8B-3.

B. If an officer feels that Miranda warnings are required, the officer should not instruct the suspect on how to complete the rights form but should allow the suspect to read the form and observe and record the suspect's response. This action may later demonstrate to the court that the person could read and comprehend what he/she was doing at an appropriate level. If the suspect is not able to complete the form correctly, the officer must not proceed with the interrogation.

C. If the officer intends to question a hearing impaired arrestee, he/she must notify the Communications Department and the Watch Commander that a qualified interpreter is needed. Officers are cautioned that the mere presence of an interpreter does not guarantee that evidence volunteered by the arrestee will be accepted by the courts. The prosecution will still have to demonstrate that the interpreter was able to communicate effectively with the arrestee.

D. If an officer does not intend to question a hearing impaired arrestee, the officer will inform the magistrate of the arrestee's impairment at the time he/she is presented before the magistrate. The magistrate should then make a determination as to whether an interpreter should be required for a bond hearing. If the magistrate feels that an interpreter is necessary for the bond hearing, the officer will not assume financial responsibility for procuring one.

4.7.6 QUESTIONING OF COMPLAINANTS OR WITNESSES

A. Nonqualified interpreters lack the "Comprehensive Skills" certification required of qualified interpreters. Nonqualified interpreters should, nonetheless, prove to be adequate in most situations where the hearing impaired person is not the suspect of a criminal offense.

B. If a hearing impaired witness' testimony is likely to be a key element of the prosecution, the detective may wish to re-interview the witness, prior to the trial date using a qualified interpreter.

C. If a nonqualified interpreter is needed, the officer will notify the Watch Commander and/or Communications Department that an interpreter is needed.

D. Officers will not call interpreters to the scene of domestic violence or other places where the interpreter's safety is jeopardized. In emergencies, an interpreter may be transported to the scene of potential danger, but only after the situation has been explained to the interpreter and reasonable precautions have been taken to ensure the interpreter's safety.

4.7.7 COMPENSATION FOR INTERPRETERS

A. When nonqualified interpreters are requested during normal business hours, the Watch Commander or Communications Department should first try to locate City of Fayetteville employees who possess interpreter skills. At times other than normal business hours, the Watch Commander or Communications Department should contact an interpreter from a rotating list of private on-call interpreters.

B. When nonqualified City employee interpreters are used to assist officers beyond their normal working hours, they will be compensated with compensatory time off.

C. If an interpreter is not a City employee, the requesting officer should complete a Request for Payment form. Attached to the Request for Payment should be the "Application for Interpreter Services for Hearing Impaired", including the starting and ending odometer readings from the interpreter's car and the arrival and departure time. Completed forms should be forwarded through the chain of command to the Budget Analyst for payment of interpreter services.

4.7.8 TELECOMMUNICATIONS DEVICE FOR THE DEAF (TDD)

The TDD is a mini-print machine used to converse with persons who are hearing impaired. TDD's are available in Communications to allow hearing impaired people to ask for help in non-emergency situations. The TDD service availability is represented on all patrol vehicles by the ear symbol. The device allows a caller with a TDD to call the Communications Department. A message is typed by the caller and transmitted over the phone lines to the department's TDD machine. Dispatchers can type a response back to the caller. All public safety dispatchers are required to have a working knowledge of this system.

By Order Of: Tom McCarthy
Digitally Signed

4.8.0 OBJECTIVE

To establish a policy that provides officers with information necessary to deal effectively with persons with disabilities who use service animals. The information contained in this policy is provided by the US Department of Justice, Civil Rights Division, Disability of Rights Section and the North Carolina Governor's Advocacy Council for Persons with Disabilities.

4.8.1 RESPONSE

A. Officers responding to situations involving persons with disabilities using service dogs should handle the situation as a civil matter. It is a dispute between the property owner/manager and the disabled individual. There is **no** legitimate charge of trespassing merely because the property owner/manager does not want the service animal at their business. Despite there being no support for a charge of trespassing, the business owner should be informed that under North Carolina General Statute § 168-4.5, interfering with a service animal is a Class 3 Misdemeanor and that the owner/trainer of the animal may bring criminal charges against the business owner and/or any other individual(s) who violate the statute. In addition, the animal's owner/trainer could file a civil lawsuit. On the other hand, anyone who disguises an animal as either a service animal or a service animal in training may face similar criminal charges.

B. Persons with disabilities using service animals may not be excluded from places of public accommodation, including stores and restaurants. The most common service animals are guide dogs and seeing-eye dogs that assist persons who are blind or have visual impairments, but there may be other legitimate service animals used by people who do not have obvious or apparent handicaps.

C. While it is the property owner/manager's decision, and not the officer's responsibility to determine if the service animal is legitimate, officers should investigate as with any other criminal offense to determine if there is probable cause that the statute has been violated. If there are any other questions, the officer may refer the property owner to the Department of Justice toll-free ADA Information Line at 1-800-514-0301 or the Governor's Advocacy Council in Raleigh at 1-877-235-4210 for any questions they may have about ADA guidelines for persons with disabilities who use service animals.

4.8.2 DEFINITIONS

A. Service Animal

The ADA defines a service animal as **any** guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability. If they meet this definition, animals are considered service animals under the ADA regardless of whether they have been licensed or certified by a state or local government. A service animal is **not** a pet.

Service animals perform some of the functions and tasks that the person with a disability cannot perform for themselves. "Seeing-eye dogs" or "guide dogs" are one type of service animal, used by some individuals who are blind or have visual impairments. This is the type of service animal with which most people are familiar. But there are service animals that assist persons with other kinds of disabilities in their day-to-day activities. Some examples include:

1. Alerting persons with hearing impairments to sounds.
2. Pulling a wheelchair or carrying and picking up things for persons with mobility impairments.
3. Assisting persons with mobility impairments with balance.

B. Public Accommodation

Title III of the Americans with Disabilities Act deals with public accommodations, which are often businesses of some type even though they have private owners or operators. Places of public accommodation include a wide range of entities, such as restaurants, hotels, theaters, doctors' offices, pharmacies, taxi cabs, retail stores, museums, libraries, parks, private schools and day care centers. Private clubs and religious organizations are exempt from the ADA's Title III requirements for public accommodations but are not always protected. For example, if a private club or religious organization sponsors an event that is open to the public, then it may not be exempt from having to comply with ADA guidelines. If the private entity is not exempt, then they would have to allow persons using service animals to have access to the public event. If an officer has a question as to whether or not a service animal should be allowed to enter a public event hosted by a private entity, the officer should contact either their supervisor. Guidance may be sought from the Police Legal Advisor with approval from the Division or Bureau Commander.

4.8.3 IDENTIFYING A SERVICE ANIMAL

Some, but not all, service animals wear special collars and harnesses. Some, but not all, are licensed and certified and have identification papers. If the officer is uncertain that an animal is a service animal, the officer may ask the person who has the animal if it is a service animal required because of a disability. However, a person who is going to a restaurant or a theater is not likely to be carrying documentation of his or her medical condition or disability. Therefore, such documentation generally may not be required as a condition for providing service to a person accompanied by a service animal. Although a number of states have programs to certify service animals, **an officer may not insist on proof of state certification before permitting the service animal to accompany the person with the disability.** Although NCGS 168 offers a registration process, the process is not required as such a requirement would violate federal law. Someone with a service animal has the freedom to decide whether to register the animal even when a state offers a registration process. Many owners of service animals will register their animals as registration simply makes it easier to prove that an animal is a service animal.

4.8.4 SERVICE ANIMALS THAT POSE A THREAT

A service animal may be excluded from a place of public accommodation when the animal's behavior poses a direct threat to the health or safety of others. For example, any service animal that displays vicious behavior towards other guests or customers may be excluded. It is, however, very unlikely that a service animal would pose a threat since animals that have behavior issues would not be among those selected for training or for use as a service animal. An officer may not make assumptions about how a particular animal is likely to behave based on past experiences with other animals. Each situation must be considered individually. Officers should request animal control to respond to this type of situation.

By Order Of: Gina V. Hawkins
Digitally Signed

4.9.0 OBJECTIVE

To establish procedures for notifying consular officers whenever a foreign national is arrested or detained for an extended period of time and to establish procedures for special enforcement situations involving persons with limited or full immunity from law enforcement activities.

4.9.1 DEFINITIONS

A. Diplomatic Immunity – A principal of international law in which certain foreign government officials are not subject to the jurisdiction of local courts and other authorities for both their official, and to a large extent, their personal activities.

B. Diplomat – An officer of a foreign government that is assigned to an embassy in Washington, DC; also known as Diplomatic Officers. They enjoy the highest degree of privileges and immunity.

C. Consular Officer (Consul) – A citizen or lawful permanent resident of a foreign country employed by a foreign government and authorized to provide assistance on behalf of that government to that government's citizens in the United Sates.

D. Foreign National – Any person who is not a United States citizen.

E. Dual National – A person who is a citizen of two or more countries. A person who is a citizen of the United States and another country will be treated exclusively as a U.S. citizen when in the United States. A person who is a citizen of two or more countries other than the United States will be treated in accordance with the rules applicable to each or all of those countries.

F. Legislator – A member of Congress, Senate, or the House of Representatives; includes legislators for the State of North Carolina.

4.9.2 OFFICER RESPONSIBILITIES

A. Officers have an obligation to advise foreign nationals that the Department will notify their consul of their arrest or detention. In certain circumstances, this obligation applies regardless of the foreign national's wishes.

B. Officers will adhere to and respect the principles of diplomatic immunity when encountering individuals who are entitled to claim limited or full immunity. While officers must recognize the immunity of the individual, officers will not ignore or condone violations of the law or the commission of crimes by these officials with diplomatic immunity.

C. Officers will notify a supervisor whenever they arrest any local, state or congressional legislative or government official.

4.9.3 DIPLOMATIC IMMUNITY

A. Diplomatic immunity does not exempt diplomatic and consular officers from the obligation of conforming to national and local laws and regulations. Whatever the offense or circumstances of contact, law enforcement officers must keep in mind that such persons are official representatives of foreign governments who are to be accorded the maximum degree of respect possible under the circumstances.

B. For a violation of a motor vehicle law, officers are authorized to issue a citation, but no arrest will be made. A copy of the citation and other documentation regarding the incident must be submitted to the Central Records Unit for forwarding to the U.S. Department of State as soon as possible.

1. In serious cases (e.g., DWI, collisions involving personal injury), telephonic notification to the U.S. Department of State must be made.
2. In the case of a DWI charge, if the officer determines that the individual is too impaired to drive safely, the officer must not allow the individual to continue to drive. Officers are authorized, with the individual's permission, to take the individual to the police station or other location where the individual will recover sufficiently to drive. Officers are authorized to summon a friend or relative to drive or call a taxi for the individual.

C. The property of a person possessing full immunity from criminal prosecution, including the individual's vehicle, cannot be searched or seized. Such vehicles cannot be impounded or booted but the vehicle can be moved to prevent obstructing or impeding traffic or endangering public safety.

4.9.4 CONSULAR NOTIFICATION

A. Officers will determine if a person is a foreign national by asking the individual if they are a citizen of the United States; asking the individual where they were born; and/or by examining documents such as passports and alien registration documents.

B. Consular notification applies to any person who is not a United States citizen. This includes permanent resident aliens and non-citizens who may or may not be in the country legally. Any person may decline the offer of consular notification; however, the notification **must be made** if he/she is from one of the "mandatory notification" countries. A list of these countries can be found at: https://travel.state.gov/content/travel/en/consularnotification/QuarantinedForeignNationals/countries-and-jurisdictions-with-mandatory-notifications.html
Officers will not make the consular notification if the individual refuses notification, and the person is not from one of the "mandatory notification" countries.

C. Whenever a foreign national is arrested or detained for more than one hour long, the arresting officer or detaining officer will advise the foreign national of the right to have their country's consulate notified of their situation.

4.9.5 CONGRESSIONAL AND STATE LEGISLATORS

A. 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. This applies to members of the United States Congress in transit within the City of Fayetteville.

B. Members of the State Legislature in some cases have the same immunity granted to Congress, and will remain immune from arrest while attending, going to, or returning from a session of their respective House. This applies to members of the State Legislature in transit within the City of Fayetteville.

C. There are no North Carolina laws which exempt any state or local officials, either appointed or elected, from federal, state and local laws. The issuance of a warning, traffic citation, or a physical arrest is authorized whenever lawful except as noted in paragraph two of 4.9.5.

4.9.6 MILITARY PERSONNEL

Military personnel whose permanent residence or permanent duty station is located outside of North Carolina will be treated as non-residents of North Carolina. All others will be treated as residents. There are no laws which exempt active duty military personnel from federal, state and local laws. Foreign military personnel will be treated the same as foreign nationals.

By Order Of: Gina V. Hawkins
Digitally Signed

	Fayetteville Police Department **WRITTEN DIRECTIVE**	**Number** **4.10**
	CONDUCTED ENERGY WEAPON (CEW)	**Effective Date** 22 March 2024
	Revised 9-17-13, 10-9-13, 09-1-15, 01-22-16, 08-23-16,10-19-17,03-25-20, 08-27-20	**Page** 1 of 6
	CALEA Standard 4.1.4, 4.3.1, 4.3.2, 4.3.3	

4.10.0 OBJECTIVE

To establish procedures for the use, care, and management of department issued Conducted Energy Weapons (CEW) by members of the Fayetteville Police Department (FPD).

4.10.1 POLICY

The Fayetteville Police Department acknowledges the protection and reverence for human life should be paramount in every officer's mind. Although we are often called upon to make split second decisions regarding life or death situations, it will be the intent of our officers to use only the amount of force which is reasonably necessary. Unreasonable or unjustifiable force can result in an overall degradation in public trust. The sanctity for human life must be foremost in the minds of every officer of this department and every opportunity to avoid using force, when feasible, should be considered.

As always, officers should strive to de-escalate the offender's resistance at all points, before, during, and after an event. Officers will tailor their use of force, in accordance with N.C.G.S. 15A-401, Graham vs. Connor, any other applicable case law, experience, and/or current training. As the offender escalates or de-escalates their unlawful resistance, the officer will increase or decrease his/her use of force to overcome it. The level of force used must be such that it is "objectively reasonable" and necessary, meaning that the officer involved would believe the force used is necessary and that the reasonable officer standard would judge that belief as reasonable. Crucial to this ability is the officer's understanding of force options, immediacy of the threat, and the reasonableness of the force option(s) based upon those perceptions. That may mean having to use multiple force options until the resistance has stopped, and the subject has been controlled.

4.10.2 DEFINITION

A. Conducted Energy Weapons (CEW)- Weapons capable of delivering conducted energy into a subject through probes, conductive wire or any combination thereof. When deployed, the CEW can result in the involuntary contraction of muscles, pain and disorientation for the intended target. The effects of a CEW are usually temporary and will subside immediately upon completion of the discharge in most cases.

B. De-escalation – De-escalation tactics and techniques are actions used by officers, when safe and without compromising law enforcement priorities, that seek to minimize the likelihood of the need to use force prior to or during an incident and increase the likelihood of voluntary compliance or mitigate the continued use of force. When safe and feasible under the totality of circumstances, officers shall attempt to slow down or stabilize the situation so that more time, options and resources are available for incident resolution.

C. Force Option – Force options are techniques or weapons that are appropriate and objectively reasonable based on the unlawful conduct or resistance offered by an offender(s).

D. Reasonably Necessary - Those actions, based upon the known facts or circumstances, which would normally be expected from a reasonable and prudent officer under similar circumstances.

E. Serious Physical Injury - Any injury that could result in disfigurement, disability or death.

4.10.3 TYPES OF CEW

Currently, the CEW utilized by the Fayetteville Police Department is the TASER 7 manufactured by AXON of Scottsdale, Arizona. No other type/brand/model of CEW is authorized for carry while officers are performing functions associated with the Fayetteville Police Department.

4.10.4 OPERATION OF CEW

A. Only officers who have successfully completed the FPD's CEW User Certification Course are authorized to carry and use a CEW.

B. When equipped with a CEW, officers will wear the CEW on their support side opposite their duty weapon. The CEW may be placed in a cross draw or support hand draw configuration on the officer's duty belt. Wearing a CEW on the officer's strong side or handgun side, is **strictly prohibited**.

C. Officers **will not** make or attempt to make, any adjustments to their CEW's settings.

D. Each officer is responsible for the condition of their CEW and CEW holster, and will thoroughly inspect the weapon prior to beginning of each shift. The inspection process should include:

1. Inspect the CEW for any obvious signs of damage or defect. Officers will check the light, laser sight, frame, trigger housing, and safety switch for functionality.

2. When conducting a CEW function test, officers will:

   a) Ensure all hands and fingers are clear of the cartridges.
   b) Point the CEW in a safe direction.
   c) Press both arch switches at the same time with the support thumb and middle finger.
   d) Place the safety switch in the up (ARMED) position.
   e) Depress the ARC switch with the support hand thumb.
   f) Look and listen to ensure both bays are arcing properly while holding the CEW at arm's length.
   g) Listen for typical spark pulse rate. If pulse rate is slow, replace the APPM (Auto Performance Power Magazine) and retest. If after replacing the APPM the pulse rate is still slow, remove the CEW from service.

3. Examine all CEW cartridges for damaged or loose doors.

4. If at any time the CEW is not operating as intended by the manufacturer, or is otherwise determined to be unfit for duty, the officer will remove the CEW from their duty belt or person and turn the CEW over to a certified CEW repair specialist or instructor as soon as practical. The appropriate personnel will then issue the officer a new CEW, if one is available, and have the defective CEW repaired and/or returned to the manufacturer.

5. Batteries are now rechargeable and will be docked and changed out every 2 weeks with a fully charged green lit battery from the dock which are at all districts. The following is the proper procedure for docking batteries:

   a) Remove battery from the CEW
   b) Place into the docking station and wait for the light to be blinking yellow (if blinking red or blue remove the battery from the dock and place back into the CEW and wait for the hourglass to disappear. Once the hourglass disappears remove from CEW and place back into the docking station and make sure the light is blinking yellow. If still blinking red or blue bring it to the

Training Center to switch out the battery).

c) After verifying the light on the battery you docked is blinking yellow remove a battery that is showing a green light and place into the CEW. Make sure the battery is seated and the hourglass on the CEW has disappeared before turning the CEW on.

d) Once the hourglass has disappeared, conduct a function test as described above.

e) The CEW logs will be uploaded to your Evidence.com account once the battery from the CEW is docked.

4.10.5 USE OF CEWs

A. Use of the CEW is considered to be a force option appropriate for physically resistant subjects that cannot be brought under control with physical contact controls or those individuals that have become violent. **CEW usage on passively resistant subjects is strictly prohibited.** Furthermore, CEWs should be used in a manner consistent with the training received through the department's approved CEW class and other pertinent training.

B. CEWs should not be seen or viewed as an immediate weapon used in lieu of communication, de-escalation, or physical contact control. Officers should always attempt de-escalation techniques and other options prior to deploying a CEW. This is not meant to insinuate or suggest that CEWs cannot be used immediately if an officer perceives a threat or, if in the officer's opinion, using a lower level of force could result in injury to the officer, subject or third party. As with any situation, an officer may elevate their force in response to the threat they are facing. However, the threat must be credible and officers should remain prudent in the use of this CEW. Abuse or misuse of the weapon can be a violation of state and/or federal law and may result in civil and/or criminal sanctions.

C. The CEW is a weapon which may be used:

1. To control a violent subject when an officer reasonably believes that deadly force does not appear to be necessary.
2. When attempts to subdue the subject by conventional tactics of verbalization, de-escalation, firm grip control, pain compliance holds and /or self-defense techniques have been, or are likely to be, ineffective.
3. When there is a reasonable, articulable belief it would be unsafe to approach within contact range of a suspect.
4. To prevent the commission of a suicide or self-inflicted physical injury, when the subject is aggressive or violent towards the officer or displays or threatens the officer or a third party with the use of a weapon other than a firearm.
5. The CEW can be used as a de-escalation technique by turning it on and laser dotting the individual. One can also use the support hand thumb to press and release the arc switch for both a visual and audible warning. This technique should only be used when safe and there is time to do so.

4.10.6 PROHIBITED ACTIVITY

A. The use of CEW's under the following circumstances is **PROHIBITED**:

1. On subjects who are actively being sprayed with any aerosol device.
2. On subjects the officer knows, should have known or reasonably believes may have come in contact with any flammable liquid.
3. In the proximity of known flammable liquids, gases, or any other highly combustible materials which may be ignited by the weapon.
4. On any subject the officer knows, should have known or reasonably believes is suffering from chest pains or respiratory complaints at the time of the encounter.
5. On a person for flight alone when that person does not meet the criteria put forth in the subsection defining when a CEW may be used.

6. On actively resistant subjects being taken into custody for an Emergency or Involuntary Commitment, unless the subject becomes violent or presents a threat of imminent harm to the officer or a third party.
7. On handcuffed individuals, unless the subject become violent or presents a threat of imminent harm to the officer or a third party.

4.10.7 OPERATION OF CEWs

A. Probe Deployment and Considerations

When deploying the CEW probes:

1. If feasible, officers will verbally or visually warn the surrounding officers before discharging the CEW.
2. If after the first 5 second cycle the subject fails to comply or fails to cease their resistance or combative behavior, evaluate the need to apply additional cycles.
3. Each cycle is judged as an independent use of force.
4. If after three 5 second cycles the subject is still failing to change their behavior, the use of the CEW may be deemed ineffective and other force options **should** be considered. Additional cycles may be warranted but only under extreme and justifiable circumstances. However, officers should attempt to apply only the number of cycles reasonably necessary to allow the safe capture, control or restraint of a subject. Continual use of the CEW when there are obvious signs of its ineffectiveness is **prohibited**.
5. Although it is recognized that officers could accidently use multiple CEWs on an individual at the same time (i.e., two officers deliver simultaneous electrical shocks), attempts to avoid such action will be implemented. Pre-planned use of multiple CEWs on the same subject is **prohibited** unless deadly force is otherwise justified.

B. Drive Stuns:

1. The use a "drive stun" is prohibited unless the officer is faced with an imminent threat of harm from a violent subject.
2. Intentional drive stuns to the head, neck, chest and groin are prohibited unless officers are defending themselves from a violent attack.
3. Follow-up drive stuns are authorized in the case of the initial probe deployment ending up in a close probe spread or a miss of a probe to the subject. The officer is then authorized to conduct a follow-up drive stun to complete the circuit and obtain NMI. However, another cartridge deployment to the subject would be the preferred method to get NMI.

C. Avoiding Risk of Additional Injury

1. Officers should avoid using the CEW on any person(s) who is likely to sustain additional injury other than the intended effects created by the CEW. Examples of incidents where the use of CEW should be avoided include:

    a) Persons in direct control of a vehicle or machinery (vehicle being in gear and/or in motion).
    b) Subjects in elevated positions.
    c) Subjects in water (due to drowning risks).
    d) On a subject, for flight alone, when that person does not meet the criteria put forth in the previous subsection defining when a CEW may be used.
    e) Person(s) who is visibly frail.
    f) Person(s) of a very young age.
    g) On women who, by appearance or other knowledge, are believed to be pregnant.

D. Nuero-Muscular Incapacitation (NMI) versus Pain Compliance

1. **NMI** is achieved when the probes of the CEWS are deployed effectively and have come in contact with the subject's body. NMI effects the motor and sensory nervous systems resulting in the subject losing the ability to control their muscles and an involuntary immobilization/incapacitation effect. **Probe deployment and the resulting NMI is the desired method of delivery for the CEWs.**

2. However, the CEWs secondary method for control, the drive stun, has the capability of delivering a "painful stimulus" to the subject. This stimulus is used to create a **pain compliance** effect when the CEW prongs are placed directly against the subject's body and the CEW is activated. **Use of drive stuns is PROHIBITED unless the officer is faced with an imminent threat of harm from a violent subject.** Follow-up drive stuns are authorized in the case of the initial probe deployment ending up in a close probe spread or a miss of a probe to the subject. The officer is then authorized to conduct a follow-up drive stun to complete the circuit and obtain NMI. However, another cartridge deployment to the subject would be the preferred method to get NMI.

4.10.8 REMOVAL OF PROBES / FIRST AID

Officers who deploy a CEW must remove the CEW probes at the earliest opportunity. Only a certified CEW operator or qualified medical personnel may remove the probes. If the probes are stuck in the facial area, soft tissue around the neck, genital region or the breast of a female, the subject will be transported to the Emergency Room for removal of the probes. If medical personnel are not available, the officer who removes the probe(s) should treat the site by applying an antiseptic wipe and bandage to the wound site, if needed. Officers shall inspect the probes after removal to ensure that the entire probe and probe barb have been removed. In the event the probe or probe barb has broken off and is still embedded in the subject's skin, the subject will be transported to the Emergency Room for the removal by appropriate medical personnel. Treatment must also be provided for subjects when a drive stun has been applied. Skin irritations, rashes and marks are common with that application of force. Minus a death in custody or questionable use of force, supervisors/officers will dispose of the deployed cartridge, wires, and probes in an approved sharps container.

4.10.9 TRAINING

A. After completion of an approved CEW training class, officers who are issued CEWs will continue to demonstrate proficiency and recertify on an annual basis. Proficiency will include training on the following topics:

1. Legal, moral and ethical aspects of CEW use
2. Safe CEW handling procedures
3. Proficiency and judgment in the use of CEWs
4. Departmental policy concerning use of CEWs

B. All CEW training and proficiency will be documented on in-service training forms maintained at the Training and Education Center. Only certified CEW Instructors may conduct CEW training, qualification and testing. Sworn personnel who fail to qualify with an approved CEW **will not** be issued the device, or will immediately turn their assigned CEW over to the appropriate Training Center Staff until such time as they have scheduled and satisfied the qualification requirements.

C. Only the training center will issue less lethal weapons and maintain records by inventory or class completion on all less lethal weapons.

4.10.10 REFERENCES

W.D. 4.1	Less Lethal Use of Force and Reporting
W.D. 4.11	Use of Deadly Force and Reporting
O.P. 1.1	Internal Administrative Investigation Procedure

By Order Of: Kemberle Braden, Chief of Police
Digitally Signed

	Fayetteville Police Department **WRITTEN DIRECTIVE**	**Number** **4.11**
	Subject **USE OF DEADLY FORCE AND REPORTING**	**Effective Date** 29 May 2026
	Revised 08-27-13, 09-06-13, 09-17-13, 01-08-15, 12-08-15, 05-25-16, 08-23-16, 08-27-20, 03-27-21, 06-15-23, 03-22-24, 02-20-26	**Page** 1 of 5
	CALEA Standard 4.1.2, 4.1.3, 4.1.6, 4.1.7, 4.2.1, 4.2.3, 11.3.4, 26.3.2, 41.2.4	

4.11.0 OBJECTIVE

To establish guidelines for use of deadly force and the associated reporting requirements by members of the Fayetteville Police Department (FPD).

"Every arrest officers make involves either a threatened or an active use of force. Essentially, officers themselves decide how much force is necessary under the circumstances to bring the suspect within their custody and control. However, they are entitled to use only as much force as is necessary to secure the suspect, overcome resistance, prevent escape, recapture the suspect or protect themselves from bodily injury. They may never use more force than is necessary to accomplish this purpose. Authority to use force that is likely to kill the suspect is limited to special situations."

-Robert L. Farb 2nd edition, 1992

4.11.1 POLICY

The Fayetteville Police Department acknowledges the protection and reverence for human life should be paramount in every officer's mind. Although we are often called upon to make split second decisions regarding life or death situations, it will be the intent of our officers to use only the amount of force which is reasonably necessary. Unreasonable or unjustifiable force can result in an overall degradation in public trust. The sanctity for human life must be foremost in the minds of every member of this department and every opportunity to avoid using force, when feasible, should be considered.

As always, officers should strive to de-escalate the offender's resistance at all points, before, during, and after an event. Officers will tailor their use of force, in accordance with N.C.G.S. 15A-401, Graham vs. Connor, any other applicable case law, experience, and/or current training. As the offender escalates or de-escalates their unlawful resistance, the officer will increase or decrease his/her use of force to overcome it. The level of force used must be such that it is "objectively reasonable" and necessary, meaning that the officer involved would believe the force used is necessary and that the reasonable officer standard would judge that belief as reasonable. Crucial to this ability is the officer's understanding of force options, immediacy of the threat, and the reasonableness of the force option(s) based upon those perceptions. That may mean having to use multiple force options until the resistance has stopped, and the subject has been controlled.

An employee has a duty to intervene to prevent or stop the use of excessive force by another employee when it is safe and reasonable to do so. Refer to WD 4.1, WD 1.9, and Fayetteville Police Department Rules and Regulations.

4.11.2 DEFINITIONS

A. Compressed High Ready - The weapon is held with the elbows bent, so that the hands are near the torso, in the upper chest area. The weapon should be visible in the shooters lower peripheral vision but should not be so high as to obstruct their ability to see the target or navigate. The bore of the weapon should be elevated no more than 10 degrees above parallel to the ground and the head should be directly over the gun, i.e. it is centered on the chest not to one side.

B. Deadly Force - Any use of force likely to cause death or serious physical injury. Force which is not likely to cause death or serious physical injury, but unexpectedly results in death or serious injury will not be considered deadly force.

C. De-escalation – De-escalation tactics and techniques are actions used by officers, when safe and without compromising law enforcement priorities, that seek to minimize the likelihood of the need to use force prior to or during an incident and increase the likelihood of voluntary compliance or mitigate the continued use of force. When safe and feasible under the totality of circumstances, officers shall attempt to slow down or stabilize the situation so that more time, options and resources are available for incident resolution.

D. Force Option – Force options are techniques or weapons that are appropriate and objectively reasonable based on the unlawful conduct or resistance offered by an offender(s).

E. Imminent – An event which is impending or about to occur.

F. Reasonably Necessary - Those actions, based upon the known facts or circumstances, which would normally be expected from a reasonable and prudent officer under similar circumstances.

G. Serious Physical Injury - Any injury that could result in disfigurement, disability or death.

These definitions shall be included and reviewed during annual in-service training.

4.11.3 DEADLY FORCE PROCEDURE

A. The use of deadly force may become necessary when a threat to human life is encountered and reasonable alternatives have been attempted and exhausted or are futile. The amount and type of force may be escalated, or de-escalated as reasonably necessary. When feasible and before using a firearm, police officers should identify themselves as law enforcement officers.

1. Justification – Officers are justified in using deadly force only when it is objectively reasonable to do so:
    a) To defend themselves or a third person from what they reasonably believe to be the use or imminent use of deadly force.
    b) To effect an arrest or to prevent the escape from custody of a person who they reasonably believe is attempting to escape by means of a deadly weapon, or who by their conduct or any other means indicates they present an imminent threat of death or serious physical injury to others unless apprehended without delay.
    c) To destroy an animal that represents a threat to themselves or others. (Deadly force only involving animals will be handled by line level supervisor unless the police chief decides otherwise)
    d) Destroying an animal for humanitarian purposes (for example, the animal has been struck by a vehicle and it's apparent the animal will soon expire) is **not considered deadly force**. No internal investigation or Chain of Command notification is required. The officer will complete a call for service report, notify a supervisor and notify the communications center of the situation. Officers will also ensure the animal can be destroyed safely and without placing members of the public at risk.

2. Restrictions

    a) Officers will not fire at a moving vehicle or from a moving vehicle except when the following exigent circumstances exist:
        i. A person in the vehicle is threatening the officer or another person with deadly force by means **other than** the vehicle; or
        ii. The vehicle is operated in a manner deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted (or are not present or practical), which includes moving out of the path of the vehicle.
    b) Warning shots are not authorized.
    c) Officers will not employ a vascular neck restriction (a technique that relies on the temporary disruption of blood flow to the brain for incapacitation).

d) The use of the following techniques/equipment to subdue or detain a combative or aggressive individual will be considered deadly force and used as a last resort:

1) Choke holds (a physical maneuver that restricts an individual's ability to breathe for the purposes of incapacitation).
2) Brachial stun pressure point technique to the head and neck area

e) The use of instruments as a weapon (i.e. flashlights, radio, etc.) for the purpose of striking or jabbing, other than department-authorized batons, is strongly discouraged and acceptable only when other authorized force responses have been exhausted and are either unavailable or ineffective.

3. Exceptions

a) ERT Officers participating in a sanctioned ERT operation **may** discharge their firearms (precision shots) at a moving vehicle **only** when:
   i. A person in the vehicle is threatening the officer or another person with deadly force by means **other than** the vehicle; or
   ii. The vehicle is operated in a manner deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted (or are not present or practical), which includes moving out of the path of the vehicle.

b) ERT Officers participating in a sanctioned ERT operation **may** discharge their firearms from a moving vehicle **only** when:
   i. ERT Officers may discharge their firearms from the turret or gun ports of the armored vehicles or another vehicle used during a Search Warrant execution, Quick Reaction Force (QRF) or Counter Assault Team (CAT) operation. This exception applies **only** when the vehicle is moving to a position or coming to a complete stop.

4. Pointing a Firearm

a) Officers may draw their firearm when they reasonably believe it may be necessary to use the weapon, e.g. building searches, confronting armed subjects, felony vehicle stops, etc.
b) An officer may point a firearm at an individual when the officer believes the potential need to use deadly force exists. The officer does not need to wait for a threat to become imminent prior to pointing a firearm. However, the officer must be able to articulate why they believed the use of deadly force may have been necessary.
c) Officers will report the pointing of a firearm to their immediate supervisor, and their supervisor will complete the Blue Team Entry in accordance with Operating Procedure 1.01, Internal Administrative Investigation Procedure. If their immediate supervisor is unavailable, the officer will contact another on-duty supervisor or Lieutenant.
d) Use of the compressed high ready with the muzzle oriented in the direction of the suspect does not itself constitute a pointing of a firearm. A pointing of a firearm occurs once an officer has identified a target and moves from the engagement position into target acquisition with the muzzle of the firearm pointed at the suspect.
e) Due to the nature and frequency of pointing firearms during Emergency Response Team operations officers assigned to conduct ERT operations such as search warrants, barricaded subject and hostage situations will be exempt from completing a Blue Team entry. However, such use of a weapon will be documented and reviewed through the after action report process that is completed for each incident.

4.11.4 USE OF DEADLY FORCE

A. Officer Responsibilities

On-duty or off-duty officers who use deadly force either deliberately or accidentally, or any officer who witnesses the use of deadly force, and while acting in an official capacity as a law enforcement officer will:

1. Immediately take all measures to render the situation safe.
2. After employing any force including lethal or less lethal weapons, or upon a finding of any injury or a complaint of any injury officers shall render appropriate medical aid and request further medical assistance, when necessary, for the suspect and any other injured individuals, as soon as it is safe to do so. Any aid provided shall be documented in the appropriate report.
3. Contact immediate supervisor to respond to the scene. If a supervisor is not available, the officer will contact any Lieutenant to come to the scene. If off-duty, contact the on-duty supervisor, or Lieutenant.
4. Notify the Communication Center of the situation.
5. Request additional units to assist in protecting the scene and locating any potential witnesses.

B. Supervisor / Lieutenant Responsibilities

1. Confirm that medical assistance has been requested and provided as necessary.
2. Issue an Everbridge Command Staff Notification and ensure verbal contact is made (if necessary) with the appropriate Chain of Command, Homicide Unit, Office of Professional Standards and Public Information Officer (PIO). This notification is not required for animal shootings.
3. Make certain that the incident scene is protected and all witnesses are identified and, if possible, remain in the area for future interview.
4. Coordinate the activities of responding back-up units and establish a Command Post.
5. Verify that Forensic Technicians have been dispatched to the scene.
6. Remove the officer from the scene as quickly as possible and placed in a neutral environment at the Police Administration Building (PAB).
7. Once at the PAB, if the officer's firearm needs to be retained for investigative purposes; the Office of Professional Standards representative will record the weapon information and release the firearm to the SBI. The Office of Professional Standards will receive a receipt from the SBI and ensure the officer is issued another weapon.
8. Additional evidence (i.e., uniform, duty belt, etc.) belonging to the officer will be collected once the officer arrives at the PAB. No equipment will be collected at the scene of the incident.
9. Ensure all reports are complete and submitted prior to the end of the tour of duty.

4.11.5 DEPARTMENT RESPONSE TO DEADLY FORCE INCIDENTS

A. Investigations

1. In all deadly force incidents, the Internal Affairs Unit, which is assigned to the Office of Professional Standards, will conduct an administrative investigation to determine if involved officer(s) violated any departmental/city policies and procedures. The department's Homicide Unit will conduct a parallel criminal investigation to determine if charges will be brought against the involved suspect.
2. The Chief of Police or his/her designee may request the SBI conduct an independent investigation to determine if the officer's actions were lawful. The results of the SBI's investigation will be turned over to the Cumberland County District Attorney's Office for disposition.
3. The Internal Affairs Unit will complete the internal administrative investigation and distribute the file through the involved officer's chain of command for disciplinary or exoneration recommendations. All reported deadly force incidents will be reviewed by the officer's chain of command to determine if departmental policies were followed.
4. The Chain of Command, Internal Affairs Unit, and/or the Training Center Coordinator may recommend policy changes or training needs to the Chief of Police based upon the investigative findings.
5. The Internal Affairs Unit will coordinate with the Training Center staff to ensure all personnel involved receive an After-Action Review of the incident. The Training Center staff will implement a training plan consistent with the incident. The Training Center staff will determine whether the officers have successfully completed this training or any other training they receive related to the incident prior to the officer being released back to regular duties.
6. Personnel responsible for managing use of force incidents resulting in death or serious bodily injury shall receive training on investigative and administrative processes associated with such incidents.
7. All agency personnel shall receive awareness-level training regarding procedures related to use of force incidents resulting in death or serious bodily injury.

B. Administrative Leave/Duty

1. An employee whose actions or use of force results in a serious injury or death of another will be placed on administrative leave/duty with pay pending an administrative review of the incident in accordance with Operating Procedure 1.7, Administrative Duty Assignment.
2. The employee will remain on administrative leave/duty until released back to duty by the Chief of Police. If needed or requested by the Chief of Police, the employee may be sent to see a contracted psychologist who will determine if the employee is fit for regular duty. The results of any psychological assessment will be reported to the Chief of Police.

4.11.6 TRAINING

All personnel shall receive an annual review of this directive through PowerDMS. Training records and acknowledgments of review shall be maintained electronically within PowerDMS.

4.11.7 REFERENCES

W.D. 1.9	Duty to Intervene
W.D. 3.1	Office of Professional Standards
W.D. 4.1	Less Lethal Use of Force and Reporting
W.D. 4.10	Conducted Energy Weapon (CEW)
O.P. 1.1	Internal Administrative Investigative Procedure
O.P. 1.7	Administrative Duty Assignment
O.P. 4.1	Emergency Response Team
O.P. 4.8	Civil Emergency Unit

Fayetteville Police Department Rules and Regulations

N.C.G.S. 15A-401(d)	Arrest by law-enforcement officer

Tennessee v. Gardner, 471 U.S. 1, 105 S.Ct. 1694
Graham v. Connor, 490 U.S. 386, 109 S.Ct. 1865

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

	Fayetteville Police Department **WRITTEN DIRECTIVE**	**Number** **4.12**
	Subject **USE OF LESS LETHAL FORCE**	**Effective Date** 15 September 2016
	Revised 09-17-13, 01-06-15, 09-01-15	**Page** 1 of 1

This Written Directive was rescinded on September 15, 2016 per Captain Nolette and Assistant Chief Petti as a part of the COPS Collaborative Reform.

	Fayetteville Police Department **WRITTEN DIRECTIVE**	**Number** **5.1**
	Subject **LAW ENFORCEMENT COMMUNICATIONS SYSTEMS**	**Effective Date** 08 January 2025
	Revised 10-27-00, 02-25-02, 05-18-10,11-22-13,4-21-14, 12-9-18, 03-05-20	**Page** 1of 5
	CALEA Standard 11.4.4, 41.3.7	

5.1.0 OBJECTIVE

To establish procedures for the use of communications systems within the scope of employment duties at the Fayetteville Police Department (FPD).

5.1.1 COMMUNICATIONS SYSTEMS

A. Various "communications systems" may be utilized by, or provided to our employees. They are for the mutual benefit of employees and the FPD. The systems include both contemporaneous and pre-recorded communications; some of these are:

1. Telephones and facsimile (fax) devices
2. Electronic mail (e-mail) systems
3. Voice and video recorders and players
4. Radio Systems
5. Bulletin boards
6. Places where documents, paper mail and messages are posted or stored
7. Desktop and Virtual Computers
8. Internet access
9. System and Application software
10. Network cabling, hardware, and software
11. Mobile Data Computers
12. Mir3 Notification System
13. Smart Phones and Tablets
14. FPD Intranet Discussion Board

B. An employee should not access communications intended solely for another employee or person unless requested to do so by the intended recipient, or directed to do so by a management representative. Unless the other party does not speak or read the language, all communications shall be in English, and no encryption program shall be used without management approval.

5.1.2 OWNERSHIP

A. All City computing and digital resources and related temporary and permanent files are the property of the City of Fayetteville. There should be no expectation of privacy on the part of the employee. These include, but are not limited to any of the following that resides on City electronic systems.

1. Computers, network equipment
2. Software
3. Electronic mail/voice mail
4. Agency telephone/fax
5. Documents
6. Spreadsheets
7. Calendar entries
8. Appointments
9. Notes
10. Video/audio recordings

B. The Chief of Police may authorize the inspection of the contents of all equipment, files, calendars, electronic or voice mail of his employees. Reasons for review include, but are not limited to:

1. System hardware
2. Software problems
3. A legal claim against the City
4. Suspicion of a crime or improper use
5. A need to perform work
6. Provide a service when an employee is unavailable

C. Classified, confidential, sensitive, proprietary or private information or data must not be disseminated to unauthorized persons or organizations.

5.1.3 EXPECTATION OF PRIVACY

A. Employees are warned that they DO NOT have a reasonable expectation of privacy when using a computer or communications system that is employer-authorized or is provided for the mutual benefit of the employee and the FPD. Management has the right to read employees' messages and to inspect mail or documents sent to or by employees, including the deciphering of encrypted text and the removal or inspection of software installed by the employee on employer-provided or authorized computers.

B. Management representatives also may access, without notice: data or text caches, pager memory banks, e-mail and voice-mail boxes or accounts, and other employer-provided electronic storage systems. Management does not need to obtain prior judicial approval and an employee's continued employment waives any claims they might have for an infringement of their privacy.

5.1.4 COMPUTER SYSTEM ACCESS

A. The FPD provides user access to the main computer system by assigning unique user account identification to each approved user.

B. FPD supervisors will provide the names of persons they wish to have access to the system by completing a Network Account Authorization Request/Change form and forwarding it to the IT Helpdesk.

C. The IT Helpdesk will assign unique user account identification to approved users of the system. When an employee leaves the FPD, the IT Helpdesk will disable that user account on the system, making it inaccessible.

5.1.5 COMPUTER USE

A. Users are required to utilize City computing resources in accordance with the employee values of integrity and respect. Appropriate computer usage includes, but is not limited to, the following:

1. Using City computing resources for City-related business and activities.
2. Protecting individual user accounts and passwords from unauthorized use.
3. Accessing data and files that are owned by the user, or data and files to which the user has been given explicit authorized access.
4. Using copyrighted material in accordance with copyright law and abiding by the provisions of any applicable license agreements.

B. Inappropriate use of City computing resources includes, but it not limited to, the following:

1. Using computing programs to decode passwords or access control information.
2. Attempting to circumvent or subvert system security measures.
3. Accessing data and files to which explicit authorized access has not been given.
4. Intentionally engaging in any activity that causes harm to the systems or to any information stored thereon, such as creating or propagating viruses, disrupting services, or damaging files.
5. Making or using illegal or unauthorized copies of copyrighted software, or storing or transmitting such copies on City systems.
6. Sending electronic mail or posting network news messages which are obscene, abusive, threatening, or harassing, or otherwise objectionable.
7. Intentionally crashing or otherwise interfering with the normal operation of the City's computer systems.
8. Loading unauthorized personal software on City computers.
9. Utilizing computing resources for unauthorized personal use.
10. Wasting work time by accessing non-work related information.

11. Misrepresenting an individual's opinion as City policy.

5.1.6 ELECTRONIC MAIL (E-MAIL)

A. Under the North Carolina Public Records Act, e-mail messages may be considered public records. Unless an e-mail message falls within one of the specific exemptions described in the public records statute, it must be produced upon request. Questions about whether an e-mail message should be released, as well as the release procedure should be directed to the Police Attorney.

B. The City cannot ensure the confidentiality of e-mail messages. If an employee determines that e-mail is the appropriate means to communicate sensitive or privileged information, or information that may otherwise be exempt from public disclosure under the North Carolina Public Records Act, care should be taken to include language such as, NOT SUBJECT TO DISCLOSURE; PRIVILEGED; or PRIVILEGED AND CONFIDENTIAL.

C. If a file is no longer part of an active project, but needs to be kept to meet the state's retention schedule, it should be saved as a hard copy and appropriately stored. It may also be electronically stored in another system, such as Word or Excel document directory so long as the electronic system meets the state requirements for a records retention system. The City's e-mail system does not meet the State records requirements as a records retention system.

5.1.7 INTERNET USE

A. The City's Internet connection is provided to employees for use in conducting City business. It contains many useful features, including access to research information and the capability to send electronic mail worldwide.

B. Internet use shall be for City-authorized purposes only. Use of the Internet shall not disrupt or interfere with the work of the other City staff, adversely affect the operation of the Internet or the City's own internal network, or misrepresent the policies and procedures of the City.

C. The safety and security of the City's network and resources must be considered at all times when using the Internet. For that reason, executable or binary files must not be downloaded from the internet without being properly scanned for viruses. If uncertain on how to access and use the City's virus software, contact the IT Helpdesk before adding any software to an FPD computer.

D. All use of the Internet via City resources must be in compliance with applicable federal, state, and local laws, in addition to City rules.

E. There is a wide variety of information on the Internet. Much of this information is inappropriate for the workplace and offensive or otherwise objectionable. Internet users should be aware that the City has no control over and can therefore not be responsible for the content of information available on the Internet.

F. Internet resources, which are not used for a City-authorized purpose, must not be accessed or downloaded. Internet resources of any kind, for which there is a fee, must not be accessed without prior approval by the Chief. Network compatibility must be verified by the Network Engineer.

G. Approved users shall use the Internet for business related purposes only during work hours, but they may access the Internet for professional development and research outside their normal work hours. Intentional misuse shall subject the user to termination of access rights and disciplinary action.

H. The Internet system may not be used to solicit and/or communicate outside, commercial ventures, religious or political causes, matters or organizations not connected to City business, or other non-job related solicitations.

I. The Internet access system is not to be used to create any offensive or disruptive messages, or content that violates other City or internal FPD policies. Offensive messages include, but are not limited to:

1. Messages which contain sexual implications.
2. Racial slurs.
3. Gender-specific comments.
4. Any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origins, or disability.

Any employee who discovers a violation of this policy shall notify his or her immediate supervisor.

5.1.8 DATA STORAGE DEVICES

To reduce corruption of the host system, personal thumb drives are prohibited unless issued by the City of Fayetteville IT Department or the Fayetteville Police Department.

5.1.9 N.C. GEN. STAT § 143-805 PROHIBIT VIEWING OF PORNOGRAPHY ON GOVERNMENT NETWORKS AND DEVICES

A. Notwithstanding G.S. 14-456 and G.S. 14-456.1, a public agency shall not permit the viewing of pornography by its employees on a network of that public agency. Notwithstanding G.S. 14-456 and G.S. 14-456.1, the judicial branch shall not permit the viewing of pornography by its employees on a network of the judicial branch. Notwithstanding G.S. 14-456 and G.S. 14-456.1, the legislative branch shall not permit the viewing of pornography by its employees on a network of the legislative branch.

B. Notwithstanding G.S. 14-456 and G.S. 14-456.1, no public agency shall permit an employee, elected official, or appointee of that public agency to view pornography on a device owned, leased, maintained, or otherwise controlled by that public agency. Notwithstanding G.S. 14-456 and G.S. 14-456.1, no public agency shall permit a student of that public agency to view pornography on a device owned, leased, maintained, or otherwise controlled by that public agency. Notwithstanding G.S. 14-456 and G.S. 14-456.1, the judicial branch shall not permit an employee, elected official, or appointee of the judicial branch to view pornography on a device owned, leased, maintained, or otherwise controlled by the judicial branch. Notwithstanding G.S. 14-456 and G.S. 14-456.1, the legislative branch shall not permit an employee, elected official, or appointee of the legislative branch to view pornography on a device owned, leased, maintained, or otherwise controlled by the legislative branch.

C. Each public agency shall adopt a policy governing the use of its network and devices owned, leased, maintained, or otherwise controlled by that public agency. The judicial and legislative branches shall adopt a policy governing the use of that branch's networks and devices owned, leased, maintained, or otherwise controlled by those branches. Each policy required by this subsection shall delineate the disciplinary actions that will be taken in response to a violation of that policy.

D. Subsections (a) and (b) of this section shall not apply to an official or employee that is engaged in any of the following activities in the course of that official's or employee's official duties:

(1) Investigating or prosecuting crimes, offering or participating in law enforcement training, or performing actions related to other law enforcement purposes.
(2) Identifying potential security or cybersecurity threats.
(3) Protecting human life.
(4) Establishing, testing, and maintaining firewalls, protocols, and otherwise implementing this section.
(5) Participating in judicial or quasi-judicial proceedings.
(6) Conducting or participating in an externally funded research project at one of the constituent institutions of The University of North Carolina.
(7) Researching issues related to the drafting or analysis of the laws of this State as necessary to fulfill the requirements of the employee's official duties.

E. This section shall not apply to the user of an authorized account paying for use of communications services under Article 16A of Chapter 160A of the General Statutes, including those communications services exempted under G.S. 160A-340.2(b) or (c).

F. Annually, no later than August 1 and in the format required by the State Chief Information Officer, each public agency shall report information to the State Chief Information Officer on the number of incidences of unauthorized viewing or attempted viewing of pornography on that public agency's network; whether or not the unauthorized viewing was by an employee, elected official, appointee, or student of that public agency; and whether or not any of the unauthorized viewing was on a device owned, leased, maintained, or otherwise controlled by that public agency. Annually, no later than October 1, the State Chief Information Officer shall compile and report to the Joint Legislative Oversight Committee on Information Technology the information submitted in accordance with this subsection.

G. The following definitions apply in this section:

(1) Device. – Any cellular phone, desktop or laptop computer, or other electronic equipment capable of connecting to a network.
(2) Material. – As defined in G.S. 14-190.13.
(3) Network. – Any of the following, whether through owning, leasing, maintaining, or otherwise controlling:
  a. The interconnection of communication systems with a computer through remote or local terminals, or a complex consisting of two or more interconnected computers or telephone switching equipment.
  b. Internet service.
  c. Internet access.
(4) Pornography. – Any material depicting sexual activity.
(5) Public agency. – Any of the following:
  a. All State agencies and offices of the members of the Council of State, including all boards, departments, divisions, constituent institutions of The University of North Carolina, community colleges, and other units of government in the executive branch.
  b. Units of local government as defined in G.S. 159-7.
  c. Public authorities as defined in G.S. 159-7.
  d. Public school units as defined in G.S. 115C-5.
(6) Sexual activity. – As defined in G.S. 14-190.13. (2024-26, s. 7(a).)

5.1.10 REFERENCES

OP 1.11	Incident Notification Procedures
OP 3.24	Law Enforcement Recordings
N.C.G.S. 143-805	Prohibit Viewing of Pornography on Government Networks and Devices

By Order Of: Kemberle Braden, Chief of Police
Digitally Signed

	Fayetteville Police Department **WRITTEN DIRECTIVE**	**Number** **5.2**
	Subject **RECORDING AND TRANSMITTING DEVICES**	**Effective Date** 26 November 2013
	Revised 11-26-84, 04-06-93, 04-05-1-94, 02-25-02,07-03-02	**Page** 1of 1

5.2.0 OBJECTIVE

To establish guidelines for the use of recording devices by employees.

5.2.1 POLICY

A. Employees will not secretly record any other employee except pursuant to an established criminal investigation or Internal Affairs Unit investigation.

B. An employee will not permit or tolerate any secret recording of another employee to be conducted without immediately reporting, in writing, such action to the Chief of Police, and/or Internal Affairs Unit. Employees must report any suspicious or suspected recordings in violation of this Written Directive and shall also ask the person suspected of secretly recording if they are using a recording device.

C. Any employee who is aware of another employee that has in the past secretly recorded any conversation without informing the person(s) being recorded must, when learning the facts which would reasonably cause this person to believe that such secret recording was made, report such facts in writing immediately to the Internal Affairs Unit who will notify the Chief of Police.

D. An employee who violates this Written Directive shall be subject to disciplinary action, up to and including dismissal.

By Order Of: Harold E. Medlock
Digitally Signed

	Fayetteville Police Department **WRITTEN DIRECTIVE**	**Number** **5.3**
	Subject **CITY VEHICLES ASSIGNED TO POLICE PERSONNEL**	**Effective Date** 26 March 2025
	Revised 03-07-88, 04-21-97, 02-25-02, 07-03-02, 12-27-02, 08-01-04, 07-01-07, 10-10-11, 10-12-12, 11-15-13, 02-16-21, 01-21-22, 05-23-24	**Page** 1of 4
	CALEA Standard 22.1.6, 41.3.2	

5.3.0 OBJECTIVE

To establish guidelines for the use, operation, and maintenance of vehicles assigned to police department employees participating in the Police Vehicle Take Home Program.

5.3.1 ASSIGNMENT

A. The Police Vehicle Take Home Program is a privilege extended to Police Department employees who live in Cumberland County and/or within the established 20-mile radius from the main Police Administrative Building (PAB). Approval for take home vehicles will be made by the Chief of Police, or their designee. Employees are prohibited from using addresses other than their own residences for take home vehicle purposes unless they are leaving their vehicles parked at a Fire Station or other local police department.

B. The Specialized Services Bureau Commander or their designee is responsible for assigning all vehicles. When an assigned vehicle is out of service for an extended period of time due to repairs, supervisors will make arrangements for a spare vehicle to be used. All officers using a spare vehicle will be responsible for all equipment and inspections for the spare vehicle.

C. Acknowledgement Form

Each employee upon assignment of a take home vehicle will complete a "Vehicle Take Home Acknowledgement Form" (POL-702). All Major Crimes Investigators will be required to fill out this form even if they live outside the 20-mile radius due to on-call status. The original will be forwarded to the Specialized Services Bureau Lieutenant and a copy will be kept on file.

5.3.2 AUTHORIZED USES

A. The department will maintain a high visibility of police vehicles in and around the City as a deterrent to crime and will provide the maximum availability of police vehicles in order to respond to crimes in progress and other emergencies. All vehicle operations will be in accordance with NCGS 14-247 through 14-252.

B. Police department vehicles are official police equipment intended solely for official law enforcement duties. Assigned police vehicles may be driven to and from:

1. An employee's residence and the Police Department or other designated reporting station for regular duty hours.
2. An employee's residence and court, when the employee is scheduled or subpoenaed to appear as a result of official police action and /or when authorized by the respective Bureau/Division Commander for a specific law enforcement purpose.
3. An employee's residence and a car wash or maintenance facility to service the vehicle.
4. An employee's residence and an approved training site.
5. Upon approval of the appropriate Division Commander, an employee's place of supplemental employment when that employment is law enforcement related, in accordance with Written Directive 2.2 Secondary Employment.
6. Upon approval of the appropriate Division Commander when a Major Crimes Investigator is on-call and lives outside of the 20-mile radius.

5.3.3 OPERATION GUIDELINES

A. Responsibilities

a) Officers operating marked or unmarked police vehicles, on or off-duty, are required to stop and render assistance, apprehend violators of serious crimes, and /or summon on duty officers. Officers operating marked or unmarked police vehicles will carry their badge, gun and credentials. While operating police vehicles, officers will maintain radio communications in accordance with established radio procedures.

b) Officers/non-sworn employees operating assigned vehicles will wear:

   a) the appropriate duty uniform, or
   b) the appropriate attire for their present assignment,

c) Employees are to return their assigned vehicle and keys to the Service Bureau Sergeant before or on the effective date of their job reassignment or termination of employment with the department.

d) The supervisor of employees who are placed on Administrative Duty, in accordance with Operating Procedure 1.7 Administrative Duty Assignment, will return the employee's assigned vehicle and keys to the Service Bureau Sergeant or his/her designee for accountability until that employee is returned to full duty.

e) Prior to operation, employees will inspect the vehicle for damage and ensure that all equipment is present and operable. Damaged or missing equipment must be reported immediately to the employee's supervisor. Prior to transporting prisoners, the back seat will be cleared of all equipment and personal belongings.
   a. Employees requiring equipment for operational readiness replenishment should contact the Specialized Services Bureau Sergeant. Patrol vehicle and Civilian Traffic Investigator vehicle equipment are issued as needed and upon request.

f) Employees will adhere to City of Fayetteville Fuel Card Practices and Procedures Policy # 315 regarding acceptable fuel purchases and use of assigned WEX Card.

B. Patrol Vehicle Designation

Patrol vehicles utilized by patrol officers will be painted in a distinguishing color pattern and marked with emblems and decals that readily identify the vehicle as a police emergency vehicle. The markings will include a distinguishing emblem with the FPD's name, the emergency telephone number and numerical markings that identify the particular vehicle. The emblems and decals placed on the vehicle will reflect light during darkness.

C. Patrol Vehicle Equipment

Each vehicle will be supplied with the equipment needed to effectively provide police services. The patrol officer's vehicle will be equipped with at least the following items:

a) Emergency lighting systems.
b) Police radio communications system.
c) Siren system with public address capabilities.
d) Security screen between driver and rear passenger compartment, except for supervisors.
e) Fire extinguisher.
f) Warning Flares (roadway type).
g) First aid kit.
h) 5 Traffic Cones.
i) In-car camera, if installed.
j) Crime scene tape.

D. Civilian Traffic Investigator Vehicle Equipment

Each vehicle will be supplied with the equipment needed to effectively provide traffic services. The Civilian Traffic Investigator's vehicle will be equipped with at least the following items:

a) Emergency Yellow lighting systems.
b) Police radio communications system.
c) Fire extinguisher.

d) Warning flares (roadway type).
e) First aid kit
f) Traffic cones

i) Public address system.

E. Parking

While off duty, vehicles will be parked at an approved location. Employees who are ineligible to participate in the take home vehicle program may park their assigned vehicle at a police or fire facility, located within Cumberland County, closest to their home. Permission must be granted by the appropriate Police / Fire Department supervisor in charge of the facility. Employees may also park at another governmental facility, provided the employee has requested and obtained prior written authorization from the Director and/or designee of said facility. Employees must provide a copy of the written authorization to the Specialized Services Bureau when they submit POL-702 Vehicle Take Home Acknowledgment Form. The location the vehicle is parked will be documented on the "Vehicle Take Home Acknowledgement Form".

F. Security

Employees are responsible for the security of their assigned vehicle and all its contents off-duty and when the vehicle is turned in for service.

G. Restrictions

1. Employees will not transport unauthorized employees or other persons except for purposes defined in the Rules and Regulations 13.2.0 Unauthorized Persons in Police Vehicles and in City of Fayetteville Use of Vehicles for City Business Policy # 101. Employees impaired by alcohol or medication will not drive any police vehicles.

2. Employees on administrative duty, for any reason, will not be eligible to participate in the Vehicle Take Home Program per Operating Procedure 1.7 Administrative Duty Assignment. Take home Vehicle privileges may be suspended as a part of the disciplinary process.

3. In accordance with City of Fayetteville Policy 410 Tobacco Use and Rules and Regulations 12.7.0, all city vehicle are tobacco free. All employees are prohibited from using tobacco products including cigarettes, cigars, smokeless tobacco, electronic cigarettes or vapor releasing devices in any vehicle owned or leased by the City of Fayetteville.

5.3.4 MAINTENANCE

A. Employees will not alter the body, general design, appearance or markings of the vehicle; use fuel, oil, lubrication or other liquid other than those authorized by Fleet Maintenance; or make have any repairs to the vehicle without authorization of the Service Bureau Commander or their designee.

B. Employees are responsible for making sure their assigned vehicle is properly serviced and in good working order. Services include but are not limited to: having the vehicle's oil change within departmental mileage guidelines, tires replaced as needed, brakes replaced as needed, NC DOT inspection completed yearly, etc. Employees who are unable to keep their assigned vehicle's Preventive Maintenance up may lose their Vehicle Take Home Privileges and could be subject to disciplinary action up to and including dismissal.

C. Employees will ensure that both the interior and exterior of the assigned vehicle is maintained to present a professional appearance by cleaning their vehicles on a weekly basis. Supervisors will inspect assigned vehicles biweekly for cleanliness, damage, vehicle equipment operability, obvious excessive wear and tear, including the tires. Supervisors will document inspections using the Field Contact module in CAD/MFR to include conditions requiring corrective action and ensure that the appropriate action is taken in a timely manner. The Field Contact needs to include the Vehicle

number, year, next service mileage, current mileage, whether the interior and exterior are clean or not. This section applies to civilian staff as well.

5.3.5 REFERENCES

OP 1.4	Inspections
OP 1.7	Administrative Duty Assignment
WD 4.2	Emergency Response and Pursuits
COF Policy 101	Use of Vehicles for City Business
COF Policy 315	Fuel Card Practices and Procedures
COF Policy 410	Tobacco Use

Fayetteville Police Department Rules and Regulations

By Order Of: Kemberle Braden, Chief of Police
Digitally Signed

	Fayetteville Police Department **WRITTEN DIRECTIVE**	**Number** **5.4**
	Subject **UNIFORM AND APPEARANCE STANDARD**	**Effective Date** 22 May 2025
	Revised 07-06-88, 06-07-91, 11-19-93 (Pg. 3 SP), 05-09-96, 08-11-97, 04-04-00, 06-12-00 (Pg. 6 SP), 02-25-02, 6-10-02, 09-10-04, 06-01-06, 06-01-07,09-24-09, 03-26-10, 07-07-11, 02-28-13, 04-14-14, 04-01-15,6-7-18,11-21-18, 06-06-19, 02-18-21, 09-20-21, 11-22-21, 04-12-22, 04-11-24	**Page** 1 of 12
	CALEA Standard 17.5.1, 22.1.6, 22.1.8, 41.3.4, 41.3.5, 41.3.6	

5.4.0 OBJECTIVE

To establish guidelines for the dress and personal appearance of the Fayetteville Police Department (FPD) employees while at work, on duty or in uniform, in order to maintain the professional image of the FPD.

5.4.1 UNIFORM CLASSES

A. Class A

The Class A uniform consists of a long sleeve, button down shirt, necktie with tie pin, and trousers. Neckties are optional while wearing the Class A uniform, however, the necktie must be worn with this uniform while attending court and formal functions. The Class A Uniform is also the dress uniform for formal events. The badge, FPD insignia, and nameplate will be gold or silver based on rank.

B. Class B

The Class B uniform consists of a short sleeve, button down shirt and trousers. Shirts will be worn with an open collar and a white, dark navy blue or black T-shirt underneath.

C. Class C

The Class C uniform is a utility style uniform with name tag, and police badge sewn to the shirt and utility style pants.

1. Class C uniforms will not be worn for court except for K-9 officers who are on duty.
2. The full Class C uniform must be worn. T-shirts will not be worn without the uniform shirt.
3. During normal duty, officers must wear the FPD approved utility belt and holster (not the thigh holster). Positions approved to wear a Class C uniform include:

    a) Canine Officers
    b) Emergency Response Team Officers for callouts or training
    c) Urban Search and Rescue Team Members for call outs or training
    d) Civil Emergency Unit for call outs or training
    e) Neighborhood Improvement Team Officers

D. Class D

The Class D uniform consists of a polo shirt (FPD approved) and khaki trousers (FPD approved). The shirt will have the City of Fayetteville logo embroidered on it and may have a police badge sewn above the logo. Civilian shirts will only have the FPD logo on the shirt. Positions approved to wear a Class D uniform include:

1. Training center staff (issued polo shirt, to be worn with approved khaki or green utility pants)
2. Administrative supervisors and employees (evidence, supply, vehicle control, and front desk personnel) (black shirt)

3. Forensic Unit (black shirt)
4. Communication Division (black or blue shirt)
5. Investigative personnel (issued polo shirt)
6. On call personnel when responding in an on-call capacity (issued polo shirt)
7. Custodian Staff (blue shirt)
8. Criminal Information Center (dark navy shirt)
9. Homeless Coordinator/Mental Health Liaison (black shirt)

E. Class E

The Class E or Special event uniform is authorized for Crime Prevention Specialists only and consists of a charcoal polo shirt and black trousers. In white lettering the shirt will have the City of Fayetteville logo, and title embroidered on the front and "CRIME PREVENTION" on the back. The uniform will be worn with black shoes and black socks.

F. Class F

1. The Class F uniform is a dress uniform for special events and functions worn by Lieutenants and above.
2. Sergeants and officers may purchase a class F uniform.
3. The Sergeants Class F uniform consists of a dress jacket, white dress shirt, necktie, dress pants, and patent leather shoes.
4. Police officers class F uniform will include no stripes dress jacket, white shirt with silver FPD pins or specialist chevrons on the collar, dress pants, belt, necktie and patent leather shoes.
5. Rank will be worn on the shirt collar and dress jacket epaulets.
6. Sergeants and officers who wish to purchase the Class F uniform should first coordinate with the Supply Technician to ensure all correct items are ordered.
7. All items worn on the jacket will be in accordance with section 5.4.3.

G. Class G

1. The Class G uniform will be worn by training center cadets and staff.
2. The Training Center Staff/Instructors Class G uniform consists of a grey short or long sleeve t-shirt or hooded sweatshirt consisting of black lettering. A police badge will be on the front left with Training Staff underneath. The pants will be green or tan utility style pants. This uniform is worn when conducting training outside of the classroom only.
3. The Cadets Class G uniform consists of a black collared shirt and blue trousers with a black inner Belt. The black shirt will be plain with no insignia or lettering.

5.4.2 PERSONAL APPEARANCE FOR ALL SWORN EMPLOYEES AND NON-SWORN EMPLOYEES IN UNIFORM

A. Hair Styles

All uniformed employees and investigators that do not work in an undercover status shall conform to the following standards of appearance:

1. All employees will keep their hairstyles in a manner to present a professional appearance, and that does not present a safety hazard to themselves or others. Hair will be kept above the collar. At least the lower half of the ears will be exposed, and the hair will not show on the forehead under the uniform cap. In all cases, the bulk or length of the hair shall not interfere with the normal wearing of the uniform hat or prevent the proper wear and seal of required safety equipment, to include respiratory devices. Hair color and styles must be in keeping with a professional image.
2. In both uniform and plain clothes, wigs or hairpieces are acceptable as long as they meet the prescribed requirements for hair.

3. Exceptions are those employees that are on special assignments where their dress and hairstyle must conform to the nature of their assignment and employees who wear head gear necessary for the performance of their duties.
4. Fingernails shall be maintained at a length that does not interfere with the operation of a firearm or the performance of duty.
5. The Chief of Police or designee shall have final say on whether a hairstyle or color complies with these standards.

B. Facial Hair

1. Employees are permitted to wear facial hair that is maintained at a length and pattern so as not to distract from the officer's professional appearance. Facial hair shall be neat, trimmed, and maintained at a length not to exceed ¼ of an inch (6mm). Beards must be trimmed and shall not be permitted below the Adam's apple or neck. Beards, goatees and/or mustaches will not give the appearance of being unkempt in appearance. Facial hair color must be in keeping with a professional image.

2. Employees that require the use of undercover operations are not bound to the maximum facial hair length of ¼ of an inch (6mm). If an employee in an undercover status works any secondary employment, or any type of detail where a Class A or B uniform is worn, then that employee must adhere to the facial hair length requirement of ¼ of an inch (6mm).

3. In the event of a civil emergency or standby status where there is a possibility of gas deployment officers shall report clean shaven as to ensure that personal issued gas mask or respirators fits properly and is capable of getting an effective seal.

4. Employees that have the necessary medical documentation signed by an authorized medical provider are permitted to have facial hair that extends past the Adam's apple or on the neck. This documentation must be provided to the employee's immediate supervisor and a copy provided to the Internal Affairs Unit so a copy can be maintained in the employee's personnel file.

5. The Chief of Police or his/her designee shall have final say on whether facial hair complies with these standards.

C. Jewelry and Accessories

All sworn and non-sworn employees in uniform are prohibited from attaching, affixing, or displaying objects, ornamentation, or jewelry other than that which is covered in this policy, through any part of the head, ears, face, nose, tongue, or any visible part of the body while on duty, working off duty or while representing the FPD in uniform or civilian attire.

1. Earrings may be no larger than 12 mm.
2. All sworn officers and non-sworn employees in uniform are prohibited from wearing more than two pair of earrings.
3. Male employees are not authorized to wear any earrings unless they are working in an undercover status.
4. Sworn employees in uniform or plainclothes, and non-sworn employees in uniform may not wear hoops or dangling-style earrings.
5. All sworn officers and non-sworn employees in uniform may only wear one watch and one bracelet at one time and only one wedding band set per hand. Watches should be gold, silver or black in color and not of an excessive size as to present less than a professional image of the officer while inuniform. Employees in uniform should not wear more than one ring on each hand while in uniform.Jewelry should be worn in a manner that does not interfere with the performance of duty.

D. Tattoos

a) Any visible tattoo must be approved by the department before hiring. Once employed it is the supervisor's responsibility to determine the appropriateness of the tattoo.

b) Tattoos are authorized to be visible on the neck, hands, fingers, arms, legs, and neck of all sworn and non-sworn employees. Microblading is approved for any facial tattoos.

1. The following types of tattoos are prohibited:

   a. Extremist: Extremist tattoos are those affiliated with, depicting, or symbolizing, extremist philosophies, or organizations or activities.
   b. Indecent or Derogatory: Indecent or derogatory tattoos are those that are grossly offensive to modesty, decency, or professionalism. Tattoos depicting any type of nudity are considered to be indecent.
   c. Sexist: Sexist tattoos are those that advocate a philosophy that degrades or demeans a person based on gender.
   d. Racist: Racist tattoos are those that advocate a philosophy that degrades or demeans a person based on race, ethnicity, or national origin.

2. If at any point a tattoo is deemed in violation of this policy, then the employee may be required to cover the tattoo pending the result of an internal investigation. Depending on the nature of the tattoo, an employee could be disciplined up to and including dismissal for violating this policy.
3. Tattoos should not be distracting from the performance of the employee's work duties.
4. Employees shall immediately cover a tattoo upon direct order from a supervisor.
5. Supervisors are responsible for ensuring employees under their command are in compliance with this portion of the policy. Supervisors should document on a Field Contact that tattoos were checked during any type of uniform or appearance inspection.

E. Body Modifications

Body modifications that are visible while in uniform are PROHIBITED. Body modifications such as horns, split tongues, or gauged ear lobes are PROHIBITED.

5.4.3 ITEMS TO BE WORN ON CLASS A, B OR CLASS F UNIFORM

A. FPD patches will be worn on both sleeves centered one and one-fourth inch from the sleeve inseam at the shoulder.

B. FPD pins will be worn when wearing the Class A uniform with a tie and will be worn on the collar and should be approximately one inch from the tip of the collar and centered.

C. Ink pens (optional) will be carried in the left breast pocket and will be black or silver for officers or black or gold for supervisors, but not mixed.

D. The nameplate will be centered and placed directly above the right chest pocket.

E. The badge will be worn on the left side of the chest. Officers will wear their commendation bars awarded by the Chief of Police above the shield, centered on the shirt crease and attached to the holder for formal functions; however, it is optional wear for daily duty assignment. Commendation medals will be worn at formal functions only, on the pocket flap below the shield, and centered on the crease.

F. Service pins will be worn in a horizontal line centered on the pocket flap below the nametag. In the event two pins are worn they will be placed side by side in a horizontal line centered on the pocket flapwith ¼

inch spacing between the two. Officers are restricted to wearing no more than two service pins at any given time for which they are certified or actively assigned to the particular unit. Active pins will be worn above the name tag and inactive pin will be worn below the name tag. The following service pins are authorized to wear with the Class A, B, and F uniforms:

1. Emergency Response Team Operator's Crest
2. Honor Guard Pin
3. Traffic Unit Pin
4. Field Training Officer Pin
5. Canine Unit Pin
6. Dive Team Pin
7. Hostage Crisis Negotiator Team Pin
8. Crisis Intervention Team Pin
9. Pin #276 in honor of Officer Roy Turner
10. LEBA Pin
11. EOD Pin
12. Public Information Officer Pin
13. Civil Emergency Unit
14. FBI NA Ribbon
15. SMIP Pin/Bar
16. Aviation Pin
17. Instructor Pin

G. Service stars denoting years of service as a full-time sworn law enforcement officer in five-year increments will be worn on the left sleeve approximately one inch above the cuff and one-half inch from the crease. Years of sworn service with other law enforcement agencies may be applied to years of service with the FPD to determine the appropriate number of service stars. The service stars are not an indication of seniority associated with sworn service with the FPD.

H. Hats

1. All personnel, when dressed in the Class A or Class B uniform, may choose to wear the authorized hat with badge. The hat must be worn outside at formal functions. The hats will be issued as follows:

   a) Chief - Gold accessories
   b) Assistant Chiefs - Gold accessories
   c) Majors- Gold accessories
   d) Captains - Gold accessories
   e) Lieutenants - Gold accessories
   f) Sergeants - Gold accessories
   g) Patrol Officers - Silver accessories

2. Special units, including ERT and Canine Officers, will wear only authorized headgear while in utility uniforms during enforcement functions.
3. Motorcycle and bicycle officers will wear issued safety helmets while operating their respective mode of transportation.
4. Crew knit and pile caps are optional and must be purchased by the officer. The caps must be black in color, insignia not required, and are authorized only during extreme cold weather conditions.
5. Baseball caps may be worn with the Fayetteville Police Department uniform. The baseball cap issued by the Fayetteville Police Department is the only authorized baseball cap to be worn. Ball caps will be black in color and will display the FPD scripted logo in gold letters. No additional markings or patches are authorized on the baseball cap.
6. Training Center Staff may wear the black logo baseball cap, or a department approved vented baseball cap that matches the color of the green utility uniform pant.
7. Faded ball caps will be replaced.

I. Sunglasses

Sunglasses are optional and must be purchased by the officer. Glasses should be shatter proof and provide maximum protection and optical clarity.

J. Gloves

1. Gloves are optional and must be purchased by the officer. Gloves must be black in color. Gloves must be form fitting and provide the flexibility needed for using a firearm or conducting a search.
2. FPD approved traffic control gloves which are orange, yellow, white or lime green in color and honor guard gloves may also be worn.
3. Honor Guard gloves will be white and only worn when in the Honor Guard uniform.
4. SAP gloves are not authorized.

K. Coats

1. Winter coats and raincoats must be FPD issued.
2. The windbreaker style jacket with pull-down "police" and "badge" flap is only authorized when riding a police bicycle and during plainclothes special assignment.
3. A lightweight jacket is optional uniform wear and may be purchased by the officer. The jacket must be FPD approved.
4. All coats and jackets, except leather, must display the appropriate badge, patches, and rank**.**
5. The uniform jacket may be worn by sworn officers in plain clothes when they are on duty.

L. Neck wear

1. Neckties are optional wear for daily patrol activities but must be worn while in court and for formal functions when wearing the Class A uniform. A necktie is optional when performing routine assignments as long as a t-shirt is worn beneath the uniform shirt.
2. Necktie pins will be worn on the tie, centered between the shirt pockets. Only approved pins will be worn.

M. Patrol Sweaters

1. A V-neck sweater is optional winter wear and may be purchased by the officer. The V-neck sweater must be dark navy blue or black, have the hook and loop fastened epaulets, and have the reinforced name and badge patch.
2. A crewneck sweater is optional winter wear and may be purchased by the officer. Ties are not required when the crewneck sweater is worn. However, the tie must be readily available for use when directed. The crewneck sweater must be navy blue or black, have the hook and loop fastened epaulets, and have the typical reinforced name and badge patch.

N. Footwear

Footgear may be basic black leather, plain toe shoes, or sneakers/athletic shoes with no colorful display of trademarks and/or reflective material or may be patent leather police style shoes.

O. Utility Belt

1. FPD approved utility belts or web gear will be worn with the issued uniform. All leather equipment is to be polished.
2. The utility belt may be worn over a secondary belt. Issued belt keepers will be worn whenever a secondary belt is worn. At least four will be worn at all times.

3. Nylon and patent leather utility belts and web gear may be worn.
4. Secondary belts may be worn by non-sworn personnel in uniform.

P. Alterations

1. Uniforms will not be altered except as required for initial fitting. Any alterations made to issued uniforms will be approved by the Technical Services Lieutenant who will determine if the alteration will be at the employee's expense.
2. Pegging of trouser legs and shirt sleeves or shortening of short sleeve shirts from issued style and length is not permitted.

Q. Court Attire

1. The Class A or Class B uniform is the only authorized uniform to be worn to all scheduled court appearances. Neckties will be worn to court when wearing the Class A uniform.
2. Officers called into court on non-scheduled court dates while on duty may appear in court wearing the Class C or Class D uniform.
3. Officers and/or detectives attending court in plain clothes are required to wear business professional attire. This includes a suit coat or sport jacket and tie for men and a business suit for women.
4. Non-sworn employees who are required to attend court are required to wear business professional attire. This includes a suit coat or sport jacket and tie for men and a business suit for women.

R. Rank Epaulet

1. Rank Epaulets will be worn by lieutenants and above with the Class A or Class B uniform.

5.4.4 PLAIN-CLOTHES APPAREL FOR SWORN OFFICERS

A. Apparel for investigative assignments or plainclothes assignments should be appropriate for the duties and responsibilities that are being performed. The apparel should be clean, unwrinkled, conservative, appropriate business apparel. Business apparel is defined as apparel that is normally worn by professional personnel in private business firms, or FPD issued uniforms. The apparel should be well fitting and not so tight as to draw unusual attention (detract from the person as a whole) or present an image that would offend the general public.

B. Formality of attire is a common sense matter given the specific duties that an employee may be expecting to perform on a given day. Detectives may deviate from this policy with the approval of the Bureau or Division Commander.

C. The FPD relies on employees to exercise good judgment and supervisors are expected to monitor the appearance of employees and enforce this policy with respect to employees who come to work in inappropriate apparel. Supervisors have the authority to identify what apparel is inappropriate and take corrective action.

D. All plain-clothes officers will abide by the entire 5.4.2 Personal Appearance for All Sworn & Non-Sworn Employees in Uniform section unless otherwise noted.

E. Male Apparel

"Business Professional" apparel is required and includes:

1. Long sleeve button up business shirt and tie.
2. Pants such as suit pants, Dockers, chinos, khakis etc. will be worn and must project a professional image. (No blue jeans or colored denim is allowed except for specialized assignments.)

3. Wearing of a sports coat or suit is optional (especially during the summer months). All plain- clothed officers must have a suit/sport jacket and tie assessable for unscheduled court appearances.
4. Casual suits or sportswear are acceptable provided that:
   a) The suit is made of material used in the manufacture of traditional business suits. Excluded fabrics are denim, patched, floral or metallic design, and non-creased or un-pressed material.
   b) The sport jacket is coat style and length with cuffs extended and buttoned. Excluded are abbreviated jackets, e.g. Eisenhower Jacket.
5. Only one bracelet and one watch may be worn at one time.

F. Female Apparel

1. Business professional or business casual pants are acceptable and include pantsuits, slacks, Dockers, chinos, etc.
2. Conservative dress, skirt and blouse, slacks and blouse, or pantsuit are permitted.
3. The skirt or dress length may extend below the knee as long as the style is professional in appearance.
4. Blouses or tops must not reveal cleavage.
5. Capris or leggings are not authorized.
6. All clothing will fit appropriately and will not be so tight as to appear vulgar or provocative.

G. Plainclothes footwear must be appropriate for the assignment and comply with safety standards and business professional attire. Shoe heels should not exceed three inches. Specialized units within the Investigative Bureau may dress according to their assignment, sandals and open toe shoes are not authorized.

H. Business Professional Exceptions

The Class D uniform is permitted for call outs, search warrants and other events with supervisory approval.

5.4.5 CLOTHING ALLOWANCE

A. A clothing allowance will be paid to plainclothes officers to purchase work clothes in accordance with City of Fayetteville Standard Procedure #230 FPD Incentive Pay.

B. Supervisors are responsible for informing officers at the time of their assignment to plainclothes status that they are eligible for a clothing allowance and the procedure on obtaining the allowance.

C. Clothing allowance funds are paid in June and December of each year to cover the previous six months. The funds may be prorated for periods of less than six months.

5.4.6 APPEARANCE AND DRESS CODE FOR NON-UNIFORM CIVILIAN EMPLOYEES

A. Hairstyles

Non-uniform civilian employees' hairstyles will be kept neat and clean to present a well-groomed appearance. Scalp sculpturing, exotic styling, and radical or unusual hair dying is prohibited. An example of radical or unusual hair dying would be green, purple, or multi-colored patterns that would detract from a professional image. Employees may wear wigs or hair pieces if they conform to the above hairstyle standard.

B. Facial Hair

Non-sworn employees may wear beards, mustaches and goatees. If worn they must be neatly trimmed.

C. Fingernails

1. Fingernails shall be maintained at a length that does not interfere with the discharge of assigned duties.

D. Jewelry and Accessories

1. Non-sworn civilian employees may wear no more than two pairs of conservative earrings, only one of which can be a hoop or dangle style while on duty. Earrings will only be worn on the earlobe, the soft lower portion of the ear.
2. Non-sworn employees may wear a wristwatch, bracelets, and rings on fingers. If worn they must not interfere with the discharge of assigned duties.
3. Religious or other medallions and chains are permitted. Jewelry or necklaces which are gaudy, perverse or which jeopardize safety are prohibited. The FPD will not be responsible for jewelry lost, stolen or damaged while on duty.
4. All employees are prohibited from wearing visible jewelry or ornaments that require piercing of the body while they are on duty, with the exception of earrings for employees assigned to the Communications Division who do not have contact with the general public.
5. Perfumes, cosmetics, and personal hygiene must be conservative both in appearance and application so as not to be offensive to the general public.

E. Tattoos, Brands, and Body Modification

All civilian employees will abide by the Tattoos and Body Modification standard listed in Section 5.4.2.

F. Apparel

1. All employees will report to work wearing clean, unwrinkled, conservative, appropriate business apparel. Clothing should not be so tight (ex. leggings or spandex pants) as to draw unusual attention or present an image that would offend the general public. Unless exempted by the appropriate Bureau Commander all employees are expected to wear business attire, defined as attire that is normally worn by personnel in private business firms, or FPD issued uniforms. Clothing containing offensive or unprofessional writing, designs or messages will not be permitted.
2. Skirts or dresses must fit appropriately, projecting a proper public image. Skirts and dresses must not have a slit that extends longer than four inches above the knee. Stirrup pants or similar attire may be worn with a long, below the hips, tunic, sweater or blazer.
3. Halter tops or other clothing that exposes the torso or can be labeled as provocative will not be permitted. Short pants that are designed for athletic or relaxation purposes are not permitted. Jeans of all colors, leather pants and sweats are prohibited except when expressly permitted by the appropriate Bureau Commander.
4. Shoe attire must be conservative and appropriate for a business setting. Tennis shoes, running shoes, or other athletic shoes are not considered appropriate business attire.

5.4.7 OFFICER/EMPLOYEE IDENTIFICATION

A. All employees will identify themselves by name, rank, and FPD when requested to do so or during any official citizen contact to prevent misunderstanding. Officers assigned to plainclothes assignment will carry the approved police identification and credentials with photograph and badge. Employees will display approved FPD credentials during investigative work at crime scenes, neighborhood surveys or other work where identity may be questioned.

B. An employee's immediate supervisor will review and document the circumstances surrounding lost or stolen police credentials and employee identification. All lost or stolen employee credentials and identification cards will immediately be entered into the Division of Criminal Investigations (DCI) system by date, time, and employee's employee identification number.

5.4.8 INITIAL EQUIPMENT ISSUE

A. All equipment purchased using general funds or grant funds will be first processed by the Supply Technician in the Supply Unit. The Training and Professional Development Unit, Fleet Management Unit, and Communication Division will be excluded from processing equipment through the Supply Unit. New officers will be fitted for uniforms and equipment prior to the start of Basic Law Enforcement Training. The Training and Professional Development Sergeant will collaborate with the Supply Technician to ensure all new officers receive issued uniforms and equipment. The following clothing and equipment will be issued, but not limited to:

1. Three pair of trousers
2. Three long sleeve shirts
3. Three short sleeve shirts
4. Winter coat
5. Rain coat
6. Service cap with cap badge and rain cover
7. Neck tie
8. Utility belt
9. Handcuffs and key
10. Nitrile gloves
11. Body armor
12. FPD collar insignia
13. Whistle
14. Inflammatory agent, holder
15. ASP with holder
16. Police identification
17. Radio with holder
18. Firearm with magazines
19. Nameplate
20. Safety Glasses
21. Black baseball cap
22. Taser with Cross Draw Holster
23. Reflective Traffic Safety Vest

B. Additional equipment and ammunition will be issued by the Training and Professional Development Unit Sergeant and recorded in the officer's clothing record. All officers will inspect their equipment upon receipt. Equipment will not be altered or modified without approval from the Chief of Police or his designee.

5.4.9 SUGGESTED ORDER OF EQUIPMENT

A. Officers that wear their equipment on their duty belt are recommended that they wear the items in the following order (Support side around the waist to strong side):

1. Magazines (Support Side)
2. TASER (Mandatory Support Side)
3. Radio (Support Side)
4. Rubber Gloves (Centered at back)
5. Handcuffs (Strong Side)
6. ASP (Strong Side)
7. Firearm (Strong Side)
8. OC (Strong Side)

B. Officers that wear the issued outer carrier with equipment pouches are recommended that theywear the items in the following order:

1. Handcuffs (Strong Side nearest to the zipper.)
2. OC Spray (Strong side next to the handcuffs.)
3. ASP (Strong side next to OC Spray.)
4. Flashlight (Support side nearest to the zipper.)
5. Radio (Support side next to the flashlight.)
6. Tourniquet (Support side next to the radio.)

5.4.10 WEAPONS AND AMMUNITION

A. Officers will carry at least two magazines of ammunition, one in the weapon and one in the magazine case. All magazines will be loaded one round short of capacity. Officers who carry more than three magazines must purchase a magazine case that will accommodate the additional magazines. The Training & Professional Development Unit must approve additional magazine cases.

B. All plainclothes field personnel must carry issued or department approved firearms and handcuffs while on duty. Plainclothes field personnel who are issued chemical inflammatory agents will carry them on their person or have them readily available in their police vehicle. Exceptions are covert detectives and staff personnel.

5.4.11 PROTECTIVE VESTS

A. The protective vests have a threat level two back panel and a threat level two front panel. The panels provide the actual protection. Therefore, when wearing protective vests, it must be worn in its entirety including the shock plate that will reduce hydrostatic shock.

B. The FPD provides protective vests for all sworn officers. Forensic Technicians will wear a protective vest at the scene of a crime. If officers choose to purchase their own vests, these must have a minimum threat level of two. Officers should also ensure that the company providing the vests is properly bonded and/or insured. A certificate of insurance will comply with this requirement and will be forwarded to the Technical Services Unit Lieutenant.

C. Uniformed officers may be issued and wear the external uniform vest carrier. Officers will coordinate with the Supply Technician to get an external vest carrier issued.

D. Mandatory Use - All officers, assigned to patrol/uniformed duties, must wear protective vests during their tour of duty. In addition, all officers must wear protective vests during high-risk and/or tactical situations. Examples of high-risk or tactical situations include, but are not limited to, search warrant executions, drug raids, initial crime scene response, and serving felony arrest warrants.

E. Uniformed supervisors serving in non-administrative positions shall also wear protective vests during their tour of duty.

F. Secondary Employment- All officers working in police related secondary employment positions must wear protective vests.

G. Other Protective Gear

1. ERT members will also wear issued ballistic helmets, and eye protection during search warrant executions and other high-risk situations.

H. Officers should follow the manufacturer's instructions when washing protective vests. When appropriate, officers will be issued white protective vest covers.

I. The ballistic panels should not be saturated. This will make them unserviceable. If this happens, the

officer will have to go to supply and have them reordered.

5.4.12 REPLACEMENT UNIFORMS AND EQUIPMENT

A. To replace worn uniforms or equipment officers will contact the Supply Technician. The Supply Technician will instruct the officers as to when or where they may pick up and sign for their equipment. The Supply Technician will request that officers turn in the article at the time the replacement is received.

B. Officers will complete a detailed statement for their immediate supervisor explaining the reasons for lost or damaged uniforms or equipment for situations other than normal wear and tear. The officer's supervisor will review the reasons for the loss or damage. If it is determined that the officer was negligent, then appropriate action should be taken. Lost badges, credentials and weapons will be entered into DCI.

C. When military leave exceeds thirty calendar days all issued equipment will be turned in to the Supply Technician prior to going on leave. All uniforms and equipment will be re-issued when the employee returns to duty.

5.4.13 TERMINATION, RESIGNATION, OR RETIRING

A. Upon separation of employment from the FPD sworn and non-sworn employees will turn in all issued clothing and equipment to supply.

B. If resigning or retiring, the employee will come to supply and receive a copy of all items signed for that need to be returned and will make an appointment for clothing/equipment returns.

C. Terminated employees will proceed to supply with all items signed for ready for turn in.

D. Any lost or stolen supplies will be reported in writing to the officer's supervisor. Should it become necessary for the immediate supervisor to turn in the employee's equipment, an inventory will be completed and turned in to the Supply Technician. Employees will be held financially responsible forany issued equipment not turned in upon resignation/retirement.

5.4.14 EXCEPTIONS

The Bureau Commander may exempt employees from the regulations regarding dress or appearance, for reasons of health or duty assignments.

By Order Of: Christopher T. Joyce, Interim Chief of Police
Digitally Signed

	Fayetteville Police Department **WRITTEN DIRECTIVE**	**Number** **5.5**
	Subject **CITY OWNED, OR LEASED VEHICLE COLLISION INVESTIGATION, REPORTING AND REVIEW**	**Effective Date** 13 March 2026
	Revised 03-18-85, 03-24-93, 11-03-97, 01-11-01,02-25-02, 10-20-03, 01-26-07, 02-17-09, 02-06-12, 11-01-12, 09-18-13, 1-19-16, 3-8-18, 06-07-18, 05-23-24	**Page** 1 of 3
	CALEA Standard N/A	

5.5.0 OBJECTIVE

To establish procedures for investigating, reporting, and objectively reviewing all collisions involving city owned or leased vehicles, when operated by an employee or volunteer of the Fayetteville Police Department (FPD).

5.5.1 NOTIFICATION

Officers, employees or volunteers who are involved in a collision while operating a city owned or leased vehicle will immediately notify the on-duty supervisor via radio communications. This notification must take place even if the employee does not accept involvement.

5.5.2 OFFICER/ EMPLOYEE / VOLUNTEER RESPONSIBILITIES

A. Immediately render assistance to any injured person(s) on the scene.

B. Request an ambulance, if needed.

C. Request the on-duty supervisor respond to the scene.

D. Secure names, addresses, telephone numbers and other pertinent information of all witnesses.

E. In accordance with NCGS 20-166(c2), "vehicles shall be moved as soon as possible out of the travel lane and onto the shoulder or to a designated accident site to complete the requirements of this section and minimize interference with traffic if all of the following apply:

1. The crash has not resulted in injury or death to any person or the drivers did not know or have reason to know of any injury or death.

2. Each vehicle can be normally and safely driven. For purposes of this subsection, a vehicle can be normally and safely driven if it does not require towing and can be operated under its own power and in its usual manner, without additional damage or hazard to the vehicle, other traffic, or the roadway".

F. Take all precautions to protect the scene.

5.5.3 SUPERVISOR RESPONSIBILITIES

A. Supervisors will immediately respond to and take charge of the scene.

B. Supervisors will request a Traffic Unit Officer or Civilian Traffic Investigator to respond and conduct the investigation of the collision.

C. If a traffic officer or crash investigator is not on-duty, the supervisor will oversee the investigation and determine if the Traffic Unit needs to be called out or have a police specialist conduct the investigation.

D. If a police specialist is not available, the supervisor will assign another experienced officer to work the crash scene.

E. All FPD employees/volunteers who have contributing factors to the cause of the collision while operating a city owned or leased vehicle will be required to submit a drug test and alcohol analysis, when one of the following has occurred:

1. A fatality has occurred;

2. If the employee has contributing factors to the cause of the collision AND a vehicle is towed from the scene;

3. If the employee has contributing factors to the cause of the collision AND someone is transported from the scene for medical treatment.

F. Any crash involving the loss of life, loss of eye, amputation, or in patient hospitalization must be reported to the Health and Safety Manager within 1 (one) hour of the incident for OSHA reporting.

5.5.4 DOCUMENTATION

A. DMV-349 Requirements

1. All collisions will be completed on a DMV-349 and if damages are under $1000 with no injuries, then the collision should be marked as "Non-reportable".

2. If the vehicle owned or Leased by the City is a "police car" marked or unmarked ensure Block #41 on the DMV349 for the vehicle style (type) is listed as a "31" for "Police".

3. If the vehicle owned or Leased by the City is a Civilian Traffic Investigator's vehicle then Block #41 on the DMV-349 for the vehicle style (type) should be listed as "1" for Passenger Car or "4" for Sport Utility Vehicle.

B. Risk Management Liaison Notice and Routing Requirements

1. Supervisors will forward risk management folders containing the following documents directly to the Specialized Services Bureau Administrative Assistant at Police Administration Building (PAB) within 24 hours of the incident. Police Form POL-130 is available and should be used by supervisors to ensure appropriate documentation is in the Risk Management folder.
   a) Risk Management Folder Checklist (POL-130)
   b) Liability Claim Form-Damage Report (via FayNet for the latest version and print for the file).
   c) Supervisor's summary memorandum (Short summary of the collision without mentioning any disciplinary action that may be taken).
   d) DMV-349 Report (Completed for all collisions)
   e) Insurance/Driver's Exchange forms
   f) Copy of witness statements (if applicable this should be recorded via Body Camera).
   g) Color photographs of all damages.
   h) Any copies of charges filed.

2. The Specialized Services Bureau Administrative Assistant or designee will forward necessary copies to the Accident Review Board, Risk Management, City Attorneys' Office and the North Carolina League of Municipalities within 72 hours of the incident if applicable.

3. Refer to W.D. 2.7 Risk Management for further guidance.

C. Internal Investigative File

1. When an employee or volunteer is involved in a vehicle crash while operating a city owned or leased vehicle, supervisors will initiate an administrative Vehicle Crash (Accident) Investigation in Blue Team. The Vehicle Crash Investigation will include the following:

   a) State Accident Report (DMV-349)

b) Statements from all parties involved and witnesses (recorded on Body Worn Camera)
c) Copies of all Risk Management documents
d) Copies of all photographs of damages
e) Copies of any citations issued or arrest paperwork
f) In-Car Video and body worn camera video (if appropriate) from the involved officer's vehicle (noted in supervisory memorandum by av. file number)
g) Notice of Administrative Investigation
h) Any other documents deemed pertinent to the investigation.
i) Alcohol analysis and drug test results from any healthcare facility
j) Vehicle Crash Administrative Short Form
k) Internal Investigation Checklist

2. Supervisors will refer to the Operating Procedure 1.1 Internal Administrative Investigative Procedure when conducting internal investigations on collisions. The same process will apply.

D. Quality Review

1. See Operating Procedure 1.1 Internal Administrative Investigation Procedures for guidance on Quality Reviews.

5.5.5 CITY OF FAYETTEVILLE VEHICLE ACCIDENT REVIEW PROCESS

A. Accident Review Board (ARB)

1. The Chief of Police will designate a representative from the department to be on the City of Fayetteville Accident Review Board.

2. The board will meet monthly to discuss the previous month's vehicle accidents.

3. Discussions will be based on identifying root cause analysis and preventability and recommending corrective action for repeat occurrences and to prevent reoccurrence. ARB representatives will not recommend disciplinary action.

5.5.6 REFERENCES

O.P. 1.1	Internal Administrative Investigation Procedure
O.P. 9.1	Collision Reporting and Investigation
W.D. 2.7	Risk Management
W.D. 3.1	Office of Professional Standards
W.D. 4.2	Emergency Response and Pursuits
N.C.G.S. 20-166	Duty to stop in event of a crash; furnishing information or assistance to injured person, etc.; persons assisting exempt from civil liability.

City of Fayetteville Employee Relations Manual
City of Fayetteville Policy 216 and 123 Substance Abuse
City of Fayetteville Policy 412 Vehicle Accident Reporting, Investigation, and Review
City of Fayetteville Policy 414 Driving Standard
Fayetteville Police Department Rules and Regulations

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

6.1.0 OBJECTIVE

To establish guidelines for the ride-along program.

6.1.1 PARTICIPATION

A. Persons eighteen (18) years and older wishing to participate in the program will initiate their requests through the Office of Professional Standards. Persons studying criminal justice, or engaged in criminal justice research, city officials, community watch participants, or visiting law enforcement officials will be given priority.

B. A brief background investigation of each rider will be made by the Office of Professional Standards to determine if the citizen is of suitable character to ride-along.

C. A GENERAL RELEASE FORM MUST BE COMPLETED AND SIGNED BY THE RIDE-ALONG PARTICIPANT BEFORE BEING ALLOWED TO RIDE. Failure to sign the form will disqualify the applicant from the Ride-Along Program. Completed release forms will be filed with the Office of Professional Standards. A new release form will be signed and dated each time a participant rides unless the participant is a student intern who will continuously ride during their internship.

D. Participants who do not attend their scheduled ride-along and do not provide a prior notice to cancel the ride-along to the assigned District Sergeant will be documented as a completed ride-along. These participants must reapply in six months.

6.1.2 OFFICER RESPONSIBILITY

A. When an officer is assigned a citizen rider, the officer may acquaint the citizen rider with the range of police responsibilities and problems. The officer may expose the citizen to law enforcement work, without putting the citizen into a hazardous situation and without allowing the citizen to participate in carrying out police duties. The officer may not disclose privileged, confidential or sensitive information. The officers will not discuss personnel issues.

B. When assigned a rider, an officer will immediately inform the supervisor in charge of any unusual assignment that could present a hazard beyond normal risk. The supervisor in charge will then find other means to complete the ride or will ask the citizen to return on another day.

C. During the course of a ride, if the officer or citizen decides that a danger is present to the citizen, the officer will discontinue the ride. The officer may also discontinue a ride if continuing would threaten safety or substantially interfere with the discharge of duties. When discontinuing a ride, the officer will notify the tele-communicator or supervisor and attempt to provide either immediate transportation to the respective District or shelter until transportation can be obtained.

6.1.3 RESTRICTIONS

A. Riders will have the opportunity to observe routine law enforcement activities. They will not enforce laws or assist in enforcing laws.

B. Officers are strictly prohibited from conducting ride-alongs with family and friends. Applicants may not request to ride with a specific officer.

C. Participation in the program is limited to once every six months regardless of which unit the participant rides. Participation is limited to a maximum of five hours during any given shift (unless previously approved otherwise) to minimize operational deficiencies.

D. Riders will report to the appropriate District supervisor in charge on the time and date assigned. They will carry identification and will dress in a business casual manner. No jeans, T-shirts, tennis shoes or shorts will be permitted.

E. The officer or supervisor in charge will brief each rider on the dangers involved. At all times the rider will be under the direction of the officer.

F. Only one rider will be allowed in each vehicle. District supervisors will ensure that proper scheduling is accomplished in advance. No more than one rider per district will be allowed at any given time.

G. Applicants are not permitted to carry any type of weapon even those that they are lawfully permitted to carry concealed or otherwise.

6.1.4 SAFETY

A. Participants in the Ride-Along Program will be offered the opportunity to wear a bullet resistant vest. The wearing of the vest is not mandatory, but should be encouraged.

B. The supervisor in charge may cancel the ride-along if he/she deems it necessary due to operational concerns and will inform the Office of Professional Standards in writing the reasons for the cancellation. No shows should be documented on the General Release Form and forwarded to the Office of Professional Standards.

C. The officer must continuously evaluate the safety of the rider. The officer has authority to discontinue the ride-along. An escorting officer should not expose a rider to avoidable hazardous situations. If a ride-along participant request to discontinue the ride because of the nature of a call, the officer will return the citizen to the respective District as soon as possible and practical. In an emergency situation, the officer may contact the supervisor and request authority to leave the ride-along in a safe, well-lit, populated area.

D. If an officer is in doubt about responding to a call with the ride-along, that doubt may be resolved by a supervisor.

6.1.5 TELECOMMUNICATORS

In order to become familiar with dispatching duties, tele-communicators will be permitted to ride as often as the Communications Manager feels is necessary. The Communications Manager will contact the appropriate District Supervisor for the District they wish to ride in to coordinate the ride-along. The tele-communicator will be required to sign a General Release form prior to each ride along.

6.1.6 PERSONS UNDER 18

Interested persons under eighteen (18) years of age are encouraged to visit our Police Department, tour the facility and talk with officers working areas of interest. Persons under the age of eighteen (18) are not permitted to participate in a ride-along.

6.1.7 COUNCIL MEMBERS, CITY DEPARTMENT DIRECTORS

To assist with helping City Council members as well as Department Directors from other areas within the City of Fayetteville become more familiar with the way we police our community, the Ride- Along Program is available for their voluntary participation. Members of Council, the Mayor, City Department Directors or Senior Staff who wish to participate in the Ride-Along Program will be subject to all requirements of the policy. Individuals wishing to participate will ride along with a shift supervisor for the duration of the ride along period**. The Council Member, Mayor, City Department Director or Senior Staff will be required to sign a General Release form prior to the ride along.**

By Order Of: Gina V. Hawkins
Digitally Signed

	Fayetteville Police Department **WRITTEN DIRECTIVE**	**Number** **6.2**
	Subject **POLICE RESERVE PROGRAM**	**Effective Date** 27 April 2021
	Revised 11-17-93, 04-24-01, 10-23-01, 02-25-02, 04-18-06, 05-11-07, 11-23-14, 02-23-15	**Page** 1 of 1

This Written Directive was rescinded on April 27, 2021.

By Order Of: Gina V. Hawkins, Chief of Police
Digitally Signed

	Fayetteville Police Department **WRITTEN DIRECTIVE**	**Number** **6.3**
	Subject **CITIZEN VOLUNTEER AUXILIARY/CITIZEN ON PATROL (COP) PROGRAM**	**Effective Date** 27 May 2026
	Revised 05-28-91, 04-21-93, 02-25-02, 08-13-02, 07-01-07, 01-28-09	**Page** 1of 1

This Written Directive was rescinded on May 27, 2026.

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

	Fayetteville Police Department **WRITTEN DIRECTIVE**	**Number** **6.4**
	Subject **POLICE BENEFIT TRUST FUND**	**Effective Date** 4 September 2025
	Revised 11-29-91, 09-09-98, 02-25-02, 03-30-11	**Page** 1of 1

This Written Directive was rescinded September 4, 2025.

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

	Fayetteville Police Department **WRITTEN DIRECTIVE**	**Number** **6.5**
	Subject **DEPARTMENTAL AWARDS**	**Effective Date** 21 May 2024
	Revised 04-23-90, 06-17-91, 06-13-95, 06-09-97, 11-03-98 (Pg. 7 SP), 08-25-99,02-25-02, 09-10-04, 06-23-08, 01-22-15; 01-30-2015, 08-23 16, 11-08-16, 08-10-17, 07-11-22, 02-29-24, 03-18-24	**Page** 1 of 8
	CALEA Standard 26.1.2	

6.5.0 OBJECTIVE

To establish guidelines regulating department awards.

6.5.1 POLICY

The Police Department will recognize outstanding performance of employees and citizens making substantial personal contributions to the community. The department will identify and recognize specific acts of heroism, bravery, or notable accomplishments and will establish guidelines to identify those who have distinguished themselves by the established criteria. To receive an award an employee must excel in performance. Awards are not given for expected performance.

6.5.2 DEFINITIONS

A. Awards Board Coordinator: The Public Information Officer will serve as the permanent, non-voting Awards Board Coordinator.

B. Awards Board Secretary: The Secretary will be a Bureau Administrative Assistant assigned to the board for a term of two years. This assignment will rotate between all three Administrative Assistants. The awards board Chairperson will appoint the incoming Awards Board Secretary after the completion of the first year of the sitting Awards Board Secretary's two-year term. It will be the responsibility of the incoming Secretary to shadow the outgoing secretary over the course of the next year to learn the position and responsibilities before his/her term begins. This training period does not count towards the two-year term period. The Secretary will be responsible for but not limited to: maintaining all documents and electronic files for the board, scheduling board meetings at the direction of the Chairperson or his/her designee, assisting in the planning and implementation of the Awards Ceremony, maintaining the boards meeting minutes, scanning and e-mailing submissions to the board for review prior to any scheduled meetings and all other duties as directed by the Chairperson. The Secretary is a non-voting member whose term will begin on July 1st ending on June 30th of the second year in the position.

C. Awards Board Chairperson: The Chairperson will hold the rank of Police Captain or above and will be selected by annual voting conducted in June.

6.5.3 AWARDS BOARD

A. Members of the Awards Board review recommendations for department awards identified in this policy, unless otherwise noted. The Board will consist of six sworn employees, and two non-sworn employees. The Public Information Officer will serve as the Awards Board Coordinator and is assigned as a permanent non-voting member. Members will be selected by a voting procedure, annually during the month of June. The new board's term will begin on July 1st of the year appointed and end June 30th of the following year. One member will represent the rank of Captain or above and a Lieutenant. Two members will represent the rank of Sergeant. Three members will represent the rank of police officers. Two members will represent non-sworn employees. The Captain or above will serve as the Chairperson who will facilitate the meeting and present the award applications. The Chairperson will only vote to break a tie.

B. The Awards Board Chairperson will call a meeting of the Awards Board quarterly to review award applications received. The Chairperson reserves the right to call for a special meeting at any other time deemed necessary. Awards will be submitted to the Awards Board Secretary. Award Submissions will be

scanned and e-mailed to the board members for review prior to each meeting. Award submissions will be reviewed and discussed at each Awards Board Meeting. All recommendations for awards will be entered by name into a spreadsheet by the Awards Secretary. Minutes will be maintained and will include a list of members in attendance and recommendations discussed. The Awards Secretary will complete the minutes in memorandum format after each meeting and submit the minutes via e-mail to the board members for review.

C. The Board may request additional documentation prior to making a decision on an award.

After reviewing applications, the Awards Board will make one of the following recommendations:

1. No award.
2. That some justification for recognition exists but it should be for a lesser award than was recommended.
3. Approve the recommendation.
4. That the justification met the prerequisites for a higher award than what was recommended.
5. Returned for further documentation and/or justification.

D. Award authorization will be by simple majority. Each member will have a single vote. Awards Board members have the latitude to make nominations as appropriate. The Chairperson votes only in the event of a tie vote. The Awards Coordinator will notify personnel upon being approved for an award via e-mail. Awards that are declined by the Board may not be resubmitted. The Awards Board Chairman will draft and forward a memorandum of approved award recipients after each meeting via e-mail to all employees. Prior to the Awards Ceremony, the Awards Board Chairperson will prepare a master roster of awards recipients and disseminate to all personnel.

6.5.4 AWARDS APPLICATION SUBMISSION GUIDELINES

A. Any employee or supervisor who wishes to recommend another employee for an award will submit an award application packet to the Awards Secretary and/or Awards Coordinator. Employees are not allowed to nominate themselves for an award. All documentation will be forwarded to the Awards Secretary for logging and tracking. The Secretary will review all award application packets for completeness to include supporting documentation for each individual award nominee.

B. Applications will be forwarded to the chain of command. The Assistant Chiefs may reject unreasonable or unjustified requests. Award applications rejected at this level will still be forwarded to the Board whom retains final authority to approve or disapprove. If several employees have personal knowledge of the action involved, applications may bear multiple support documents.

C. Thorough documentation supporting the nomination and explaining the circumstances of the event, or actions of the individuals submitted must accompany the application. All employees submitted for an award will be required to sign the application form indicating they accept the nomination, and must make every attempt to attend the awards ceremony. Incomplete applications will not be considered by the Board and will be returned to the submitting individual for follow-up.

D. All awards must be submitted during the relevant time period for Awards Board consideration. The Awards Board will consider all applications for incidents that occurred April 1st of the previous year through March 31st of the year in which the award will be given. Submissions received after March 31st where the event occurred during the first three months of that year will be considered during the next awards cycle.

6.5.5 AWARD CRITERIA

A. Awards recognized by the department include medals (and accompanying ribbons), plaques or acrylics, and certificates. Awards will be worn in ascending order as indicated. Medals will only be worn at the time of presentation unless authorized by the Chief of Police or his/her designee. Bars will be positioned on the leather so that the colors appear in the order indicated (from left to right) when being viewed by someone facing the officer.

B. In cases of loss of life or serious injury to an officer in the line of duty, the Chief of Police may award appropriate nationally recognized law enforcement award(s). The awards are not required to be listed in this order and Awards Board approval is not necessary.

C. Non-sworn employees can be considered for any award if they meet the same criteria as sworn officers. Non-sworn employees will be awarded a plaque or acrylic upon approval of awards that would otherwise require a uniform bar.

D. Police Officer of the Year- The following procedures will be utilized to select the Officer of the Year:

1. Only one Officer of the Year may be selected.
2. Each January nominations will be made in the form of a memorandum and forwarded to the Awards Coordinator
3. These nominations will be reviewed by the Assistant Chiefs and the Chief of Police for final approval.
4. Upon approval, the Officer of the Year will be named during the Annual Awards Ceremony.
5. This award is not considered by the Awards Board.

E. Telecommunicator of the Year- The following procedures will be utilized to select the Telecommunicator of the Year:

1. Only one Telecommunicator of the Year may be selected.
2. Each January nominations will be made in the form of a memorandum and forwarded to the Awards Coordinator.
3. These nominations will be reviewed by the Assistant Chiefs and the Chief of Police.
4. Upon approval by these officers, the Telecommunicator of the Year will be named during the Annual Awards Ceremony.
5. This award is not considered by the Awards Board.

F. The "Cathy Bell" Civilian of the Year Award- The following procedures will be utilized to select the Civilian of the Year:

1. Only one "Cathy Bell" Civilian of the Year may be selected.
2. Each January nominations will be made in the form of a memorandum and forwarded to the Awards Coordinator.
3. These nominations will be reviewed by the Assistant Chiefs and the Chief of Police.
4. Upon approval by these officers, the" Cathy Bell" Civilian of the Year will be named during the Annual Awards Ceremony.
5. This award is not considered by the Awards Board.

G. Medal of Valor -This is the highest award presented by the Fayetteville Police Department. This may be awarded to a sworn law enforcement officer or civilian acting on behalf of the police department. **Sworn** recipients receive a Certificate, Medal and Bar (white, red, and blue), **civilian** recipients receive a plaque and a medal. The medal is presented during the Annual Awards Ceremony to a law enforcement officer or civilian for:

1. Those who have exhibited conspicuous gallantry and intrepidity at the risk of his/her own life & beyond the call of duty.
2. Exhibiting the absence of indecision even in the face of death.
3. Exceptional courage, regardless of personal safety, in the attempt to save or protect human life.
4. There must be an imminent threat of serious bodily injury or death in an attempt at save a human life that would have otherwise perished.
5. Exhibiting exceptional courage, extraordinary decisiveness and presence of mind.
6. Unusual swiftness of action, regardless of his or her personal safety, in an attempt to save or protect human life.
7. These nominations will be reviewed by the Assistant Chiefs and the Chief of Police.

This award may be presented posthumously upon the death of a sworn officer in the line of duty. In the event of posthumously presentation two medals will be presented, one on the officer's uniform and the remaining

medal will be presented to a surviving spouse. If there is not a surviving spouse, then the medal will be awarded as follows:

1. Oldest child
2. Parent or Legal Guardian
3. Oldest Sibling

There is no prerequisite for the award recipient to be injured or die from injuries to receive the award. This award is all inclusive and may not be awarded with any other award for the same action or deed.

H. Crystal Award**-** The award recognizes a police officer or non-sworn employee from the Fayetteville Police Department who has made outstanding contributions to the improvement of the community through problem solving efforts in the Fayetteville area. Recipients are presented with a plaque or acrylic award during the Annual Awards Ceremony. Nominations may be made by citizens and/or groups in the Fayetteville community. Applications will be reviewed by the Assistant Chiefs and Chief who will choose the recipient(s) of the award. Employees will be judged on their involvement in helping the community to understand the function of the police and the citizens' role in improving the community. The employee will also be judged on their demonstration of extraordinary efforts in the area of crime prevention and involvement in aiding neighborhoods in handling special problems.

I. Life Saving Award- May be awarded to sworn or non-sworn employee's for saving a human life. **Sworn** recipients receive a Certificate, Medal and a Bar (white/red), **non-sworn** recipients receive a plaque and a medal. This award is intended for employees directly responsible for saving a human life. This award does not include prolonging a human life where the individual succumbs to the injuries they sustained. The circumstances with which surround the award must not be hypothetical about what may have taken place (as to predict the future actions of suspects or victims). This award will be presented during the Annual Awards Ceremony. This award includes the life-saving use of Naloxone for overdose victims, which will be presented Quarterly at Division Level. This award is not authorized to be awarded with a Certificate of Appreciation for the same service or deed.

J. Police Heart Award**-** May be awarded to an employee who sustains a serious incapacitating injury in the line of duty. Recipients receive a Certificate, Medal, and Bar (red/white/blue). Employees must have been actively engaged in a police activity at the time of injury and the injury must be of sufficient gravity. This award is primarily intended to recognize employees who are seriously injured as a result of felonious assaults. The Board may also consider other injuries, such as those resulting from fires or explosions, as valid justifications. The Board will not consider accidental injuries, such as those sustained from falls on ice or from motor vehicle accidents, except where evidence clearly indicates the employee exercised responsible safety precautions and had no reasonable control over the circumstances. This award may be authorized in conjunction with other awards. This Award will be presented during the Annual Awards Ceremony. This award is not authorized to be awarded with a Certificate of Appreciation for the same service or deed.

K. Departmental Citation**- Sworn** recipients receive a Certificate and a Bar (Green/White with three Orange bars), **non-sworn** recipients receive a plaque or acrylic. This award may be awarded to an employee for:

1. Outstanding performance of a difficult task involving personal risk to the employee's safety when the employee's action prevented a serious crime or caused the perpetrator to be apprehended. Multiple arrests for designated crimes within a specific time period as prescribed by competent authority.
2. Highly credible acts of police service over a period of time. Successful performance of an act of extraordinary heroism while engaged in personal combat with an armed adversary with imminent hazard to the life of the officer or other individual. Other outstanding actions that bring unusual credit to the Department and its employees.
3. This award may be authorized in conjunction with other awards. This award is not authorized to be awarded with a Certificate of Appreciation for the same service or deed.
4. This Award will be presented during the Annual Awards Ceremony.

L. Merit Award**- Sworn** recipients receive a Certificate and a Bar (blue), **non-sworn** recipients receive a certificate that will be presented quarterly at the Division level. This award may be awarded to a sworn or non-sworn police employee for:

1. Outstanding performance of duty under unusual or difficult conditions. The action need not involve exposure to physical danger, but must involve unusual initiative, conscientiousness, determination and thoroughness.
2. Outstanding contributions to law enforcement through the success of difficult police programs, projects or situations where such contributions are of a high degree of professional excellence.
3. Submission of an idea or use of a device adopted to increase efficiency.
4. This award is not authorized to be awarded in conjunction with any other award for the same service or deed including the Certificate of Appreciation.
5. This Award will be presented quarterly at Division Level.

M. Commendation- **Sworn** recipients receive a Certificate and a Bar (green/white/blue), **non-sworn** recipients receive a certificate that will be presented quarterly at the Division level.

1. Individual Commendation - May be awarded to a sworn or non-sworn police employee for performing an efficient and valuable service to the Department, either in carrying out a specific task or in the performance of general duties over an extended period of time. The Board will not consider actions of an employee when those actions are a result of the normal completion of an assignment even when the assignment is difficult in nature. This award is not authorized to be awarded with any other award including the Certificate of Appreciation for the same service or deed. This Award will be presented quarterly at Division Level.

2. Departmental Unit Commendation- May be awarded to a unit of employees in recognition of outstanding police services performed by any departmental unit as an entire unit. The Board will not consider a one-time activity unless that activity was unusual and outstanding in merit. Award submission documentation for a Departmental Unit Commendation must identify that every member of the unit contributed to the outstanding services performed. This award may be authorized to be presented in addition to an individual award growing out of the same action. This award is not authorized to be awarded with a Certificate of Appreciation for the same service of deed. This Award will be presented quarterly at Division Level.

N. Good Conduct Award - **Sworn** recipients receive a Bar (yellow/green). **Non-sworn** recipients receive a lapel pin. This award is issued when a sworn or non-sworn employee has successfully completed five years of consecutive service with the department and has not been suspended during the period or received three or more infractions (policy warning, oral counseling, or a written reprimand) of any department rules and regulations, Operating Procedures, Written Directives, or City of Fayetteville Policy and Procedures. PM-5 entries do not count towards the three infractions. Five-year service increments must be actual service time. Supervisors must review the employee's disciplinary history to ensure eligibility prior to submitting an employee for a Good Conduct Award. This award is not presented at the quarterly presentations or annual awards ceremony.

O. N.C. State Department of Justice Advanced Certificate - Advanced Certificate from the State, Bar (Red with white/blue/white slanted bars). Employees can qualify for the Intermediate or Advanced Certificate if they meet the requirements for the Certificate, as determined by the North Carolina Training and Standards Commission. Employees may have their qualifications computed by the Training and Education Center. This award is presented by the State of North Carolina and does not require the Awards Board approval. This award is not presented at the quarterly presentations or annual awards ceremony.

P. Accreditation Award - **Sworn** recipients receive a Bar (blue/white/yellow with accreditation emblem). **Non-sworn** recipients receive a lapel pin. (Plainclothes officers may also wear a lapel pin when appropriate.) This award is issued to all sworn employees in recognition of an accredited department.

Q. Longevity Award - **Sworn** recipients receive a nametag with the phrase "serving since (year)." **Non-sworn** recipients receive a lapel pin. This award is issued when a full time sworn or non-sworn employee has successfully completed, without interruption (excluding active military duty), fifteen years of service to the Fayetteville Police Department.

R. Certificate of Appreciation- Upon recommendation of any supervisor, the Chief may issue a Certificate of Appreciation to any deserving employee for a deed, which is worthy of recognition, but does not fall within other award guidelines. Approval from the Awards Board is not necessary. The Certificate should not be awarded with any other award for the same service or deed. The presentation of this award will void the possibility any other presentation for the same service or deed. The use of this award and other forms of recognition at the shift or unit level is encouraged.

S. Sworn and Non-Sworn Employee of the Quarter- An employee is eligible to be recognized as Employee of the Quarter if he/she has had an excellent work record, demonstrates a commitment to service to the citizens, demonstrates a positive outlook and attitude and their record is free of sustained citizen complaints during the quarterly reporting period. Any employee may nominate another for any award. The nomination should be in memorandum form outlining the reasons for the nomination and how the individual meets the noted standards. This information should be forwarded through the nominee's chain of command, endorsed by the Bureau Commander and sent to the Awards Secretary for logging and tracking. The Awards Secretary will maintain a log of all nominations and forward the nominations to the Awards Board. These awards will be presented at Division Level at the time of selection for the appropriate quarter and not at the annual awards ceremony.

6.5.6 MULTIPLE AWARD INDICATORS

A. A star is added to a bar to indicate a second award of the same type. For each additional citation, an additional star is added for a maximum of three stars on a single bar as indicated below.

1. One star – Second award
2. Two stars – Third award
3. Three stars – Fourth award
4. One oak leaf – Fifth award
5. One oak leaf and one star – Sixth award
6. One oak leaf and two stars – Seventh award
7. Two oak leafs – Eight award
8. Three oak leafs – Ninth award
9. Acorn – Tenth award

B. When the fifth award of the same type is received, an oak leaf is implemented indicating the receipt of five such awards.

C. For the sixth through the seventh such award, stars are added on the Oak Leaf, then two leaves indicate eight awards, three oak leafs indicate nine awards and an acorn indicates the tenth of such award.

D. The Awards Secretary is responsible for maintaining a master roster of all employee awards received to facilitate the process for ordering award bars each year.

6.5.7 EXEMPLARY CITIZEN AWARDS

A. Citizen awards will not require Awards Board review or action. These will be reviewed as they become known by the Chief of Police, who will decide if the award is appropriate and arrange for a timely presentation which may coincide with the Awards Ceremony for employees. Any employee may recommend a citizen for a department award in the following categories:

B. Citizen Certificate of Appreciation **-** This award may be issued by the Chief of Police to citizens whose actions result in the prevention or solution of a serious crime, the apprehension of a dangerous criminal and other meritorious actions such as lifesaving or assistance to an employee without regard for the recipient's personal safety.

C. Testimonial Plaque/Certificate - This award may be issued by the Chief of Police and awarded with a Certificate of Appreciation for any of the above actions when the citizen has acted in an exemplary manner. This award does not require the Board's approval.

D. President's Volunteer Service Award – Any volunteer with the Fayetteville Police Department can receive Presidential recognition for volunteer hours served over a twelve-month period or over the course of a lifetime. The award will be based on the eligibility requirements for each age group for the following award levels: Gold, Silver, or Bronze.

E. Volunteer of the Year / Tony Jacobs Quiet Champion Memorial Award – Any individual having volunteered with the Fayetteville Police Department for more than one year can be nominated. The award is intended to recognize outstanding volunteers who have contributed to help make a difference in the community. The following procedures will be utilized to select the volunteer of the year:

1. Only one Volunteer of the Year may be selected.
2. Each January, nominations will be made using memorandum format and forwarded to the Awards Coordinator.
3. These nominations will be reviewed by the Assistant Chiefs and the Chief of Police for final approval.
4. Upon approval, the Volunteer of the Year will be named during the Annual Awards Ceremony.
5. This award is <u>not</u> considered by the Awards Board.

5.5.8 AWARDS CEREMONY

A. ANNUAL AWARDS CEREMONY

1. Annual Awards are presented to Police Department employees during the annual Awards Ceremony. The ceremony will be held in first week of May prior to Police Memorial Week. The Chief of Police may authorize recognition of citizen award recipients at other times of the year.

2. The Awards Board is responsible for organizing the ceremony. Organization includes arranging the date, time and place, issuing invitations, coordinating with sponsors, issuing Public Service Announcements and coordinating the actual ceremony.

3. The Supply Custodian will maintain all departmental awards. A supply of medals, bars and leather holders will be available along with a manifest of personnel who have received an award to include the number and type. The Supply Custodian is responsible for ensuring that all awards, bars, medals, and leathers are available prior to the ceremony.

4. The Awards Secretary will be responsible for providing the Awards Coordinator with the certificates that will accompany the awards prior to the ceremony.

5. Recognition will be given to any sponsors who provide donations for the ceremony.

6. All award recipients will wear the Class A uniform or appropriate business attire (suit/tie/dress).

7. All awardees must make every effort to attend the Award Ceremony to be recognized. An unexcused absence from the ceremony may result in forfeiture of the award.

8. While all recipients are expected to attend the Awards Banquet, if a recipient does not wish to be publicly recognized while in attendance at the Awards Banquet due to the nature of their assignment, they will notify the Awards Coordinator.

B. QUARTERLY AWARDS PRESENTATIONS

1. Quarterly Awards are presented to Police Department employees quarterly at the Division Level. The date/time/location of quarterly presentations will be held at the Division Supervisors discretion.

2. The Awards Board is responsible for coordinating with the Division Supervisors. Coordination includes assisting with arranging the date, time and place as needed.

3. The Supply Custodian will maintain all departmental awards. A supply of medals, bars and leather holders will be available along with a manifest of personnel who have received an award to include the number and type. The Supply Custodian is responsible for ensuring that all awards, bars, medals, and leathers are available prior to the quarterly presentations.

4. The Awards Secretary will be responsible for providing the District Supervisors with the certificates that will accompany the awards prior to the quarterly presentations.

6.5.9 PRIOR LAW ENFORCEMENT AWARDS

A. The Fayetteville Police Department recognizes awards and commendations in the form of medals and accompanying ribbons earned for prior sworn law enforcement service and approved by the Awards Board and Chief of Police.

B. Award placement will be determined on a case by case basis by the Chief of Police or their designee.

By Order Of: Kemberle Braden, Chief of Police
Digitally Signed

6.6.0 OBJECTIVE

To establish guidelines related to announcement of openings and the selection criteria for specialized assignments and career enrichment duty assignments.

6.6.1 SPECIALIZED ASSIGNMENTS

A. Specialized assignments are characterized by increased levels of responsibility and specialized training within a given position classification. Assignments may be temporary in nature dependent upon the needs of the department and the community. The following are considered specialized assignment positions:

1. Emergency Response Team
2. Crisis Negotiator
3. Search and Rescue Team
4. K-9 Officer
5. Bicycle Patrol Team
6. Civil Emergency Unit
7. Aviation Unit

B. Specialized assignments may be added to, or deleted from the above list with the approval of the Chief of Police. Should an officer voluntarily resign from, or be removed due to poor performance, inability to meet position qualifications or for disciplinary reasons, he or she will be reassigned by the Chief of Police or his designee.

6.6.2 CAREER ENRICHMENT ASSIGNMENTS

A. Career enrichment assignments facilitate career development initiatives by creating a pathway that requires additional levels of training and education. Career enrichment assignments serve to increase the availability of well-rounded supervisors and officers. These positions are characterized as core police function positions:

1. Traffic/Motorcycle Officer
2. Detectives (General and Homicide)
3. Neighborhood Improvement Team
4. Police Specialist
5. Certified Police Training Instructor
6. Airport Officer
7. Violent Crimes Unit
8. Narcotic/Vice Suppression Unit
9. Crimestoppers Officer
10. Electronic Monitoring Unit

6.6.3 SELECTION

A. All sworn officers are eligible to apply for specialized assignments and career enrichment assignments after 1 year of being successfully released from the Field Training Program; however final approval will be determined by the Chief of Police.

B. Vacancy Notice Posting

1. Whenever a specialized or career enrichment assignment vacancy is anticipated or occurs in a section or unit, the supervisor will notify his/her Division Commander, in writing, of his/her desire to fill the vacancy. The Division Commander will then notify the appropriate Bureau Commander.

2. The Bureau Commander will have a notice of vacancy for the position conspicuously posted in each district/division area and allow a minimum of **fourteen (14)** calendar days for interested employees to apply for the assignment. The announcement will include:

    a) The position that is vacant and whether it is an officer or supervisory position.
    b) A closing date to request consideration for the assignment must be included.
    c) Whether a 90/180-day selection list will or will not be maintained.

3. Interested individuals must contact the Bureau Commander, or his designee, prior to the posted closing date to express an interest in the position.

C. Selection Process

1. The respective supervisor responsible for coordinating the interview process will consider the following listed qualifications and attributes during the background and interview process and share this information with the other members on the interview panel. At least two interviewers will participate in an interview process.

    a) Conduct, past and present (Note: Personnel files will be reviewed prior to a scheduled interview. Disciplinary action and commendations will be taken into account during that review.
    b) Knowledge, skills and abilities, to include mental suitability
    c) Performance evaluations, past and present
    d) Education and training
    e) Specialized skills

2. All selection process documentation will be incorporated into a selection process folder. This folder will be forwarded through the chain of command to the respective Bureau Commander for approval and stored electronically for three years from the date of the position appointment and will include:

    a) Vacancy Posting
    b) Any emails related to the posting or selection process
    c) Each candidate's IA Pro Employee Resume
    d) Supervisor recommendations
    e) Interview questions
    f) Notes taken during the interview process by each interviewer
    g) Lead supervisor's selection memorandum

3. The interview panel members will discuss and identify the most qualified candidate based on all of the above criteria. The lead supervisor will prepare a memorandum identifying the selected candidate for the position. The interview panel may consider identifying more than one candidate and provide a number ordered list of recommendations. If a list is established, it will be valid for no more than 90/180 days from the date of selection of the first person on the list.

4. The appropriate Bureau Commander will review the recommendations made by the interview board and will coordinate for the transfer of the selected candidate with the Chief of Police.

5. The best-qualified individuals will be selected for the position posted. Selections will be made without regard to sex, race, color, religion, creed, national origin, political affiliation or age, unless such factors can be shown to have a potential for adverse effect on the success of an assignment, or to place the employee or other citizens in life threatening situations.

6. Refer to the following Operating Procedure for additional selection guidelines:

    a) Operating Procedure Number 4.1, Emergency Response Team

b) Operating Procedure Number 4.4, Hostage Situation Operations / Barricaded Suspects Crisis
c) Operating Procedure Number 11.14, Search and Rescue Team
d) Operating Procedure Number 11.02, Bicycle Patrol Team

D. Lead Interviewer Responsibilities

It is important to provide feedback to candidates who have been interviewed and will be the responsibility of the Lieutenant who oversees the assignment being interviewed for to make contact with **all** candidates not selected for the position. They will provide each candidate with a verbal critique on their performance regarding their interview to identify any particular strengths and weaknesses. This provides candidates essential information on what they can work on improving for future interview sessions. Further development of officers is vital to this department and while it's very important that candidates understand this process, it also allows candidates an opportunity to enhance their proficiency and career development.

E. Selection Process Exceptions

1. Some assignments may be made outside of the selection process when:

a) Specialized skill sets are required for the position where the vacancy has occurred
b) Experience in the investigative area of assignment is required immediately

6.6.4 SPECIALIZED ASSIGNMENT ANNUAL REVIEW

A. To determine whether a specialized assignment should be continued, the appropriate Bureau Commander or his/her designee must review the following specialized assignments **annually**:

1. Emergency Response Team
2. Crisis Negotiator
3. Search and Rescue Team
4. K-9 Officer
5. Civil Emergency Unit
6. Aviation Unit
7. Bicycle Patrol Team

B. The review of specialized assignments will include:

1. the position being reviewed and area of assignment
2. a statement of purpose for each specialized assignment
3. an evaluation of the initial problem or condition that required the implementation of the specialized assignment

C. Specialized assignment reviews will be documented at the end of each year. Completed reviews must be forwarded to the Chief of Police and the Accreditation Manager.

6.6.5 INACTIVE STATUS FOR SPECIALIZED ASSIGNMENT

A. Any employee holding an active status with a specialized unit can only be placed on an inactive status for one the following reasons:
1. if the employee is on prolonged military duty that will remove them from being on call for longer than 30 days, or
2. if the person is placed on administrative duty (medical) for a prolonged period of time that will remove them from being on call for longer than 30 days.

If one of the two above criteria are not met, the employee should be held on active status and subject to recall in accordance with policy and SOP. If a person is on inactive status, they should not be attending training on scheduled training days unless they are the primary instructor.

THE PROVISIONS OF THIS PROCEDURE WILL NOT NECESSARILY APPLY TO SENSITIVE POSITIONS.

Reference Policies:

1.4 Written Directive: Department Structure & Organization
4.1 Operating Procedures: Emergency Response Team
4.4 Operating Procedures: Hostage Situation Operations/Barricaded Suspects
5.1 Operating Procedures: Detective Division Organization & Operations
5.2 Operating Procedures: Narcotics
11.5 Operating Procedures: Canine Unit
11.6 Operating Procedures: Neighborhood Improvement Team
11.10 Operating Procedures: Police Specialist
11.14 Operating Procedures: Search and Rescue
11.16 Operating Procedures: Airport Security
11.02 Operating Procedures: Bicycle Patrol Team
11.19 Operating Procedures: Aviation Unit

By Order Of: Gina V. Hawkins
Digitally Signed

	Fayetteville Police Department **WRITTEN DIRECTIVE**	**Number** **6.7**
	Subject **POLICE CHAPLAIN PROGRAM**	**Effective Date** 2 June 2026
	Revised 12-01-12, 05-31-22	**Page** 1 of 3
	CALEA Standard 22.1.4, 45.3.1	

6.7.0 OBJECTIVE

To establish a Volunteer Chaplain Program.

6.7.1 DEFINITION

Volunteer Police Chaplains are civilian volunteers and are not sworn law enforcement officers. While serving in the capacity of a Police Chaplain, volunteers possess no law enforcement authority and shall not perform law enforcement functions.

Sworn employees who serve as Peer Support Chaplains are not members of the Volunteer Police Chaplain Program and are not governed by this directive. These employees serve in accordance with OP 11.13, Peer Support Program, and provide peer support, crisis intervention, and employee wellness services to department personnel.

6.7.2 ASSIGNMENT AND FUNCTION

The Volunteer Chaplain Program is assigned to the Service Bureau, reporting to the Bureau Commander. The primary purpose of the volunteer police chaplains is to assist officers who, in the course of their duties, encounter persons in crises and other stressful situations; and provide comfort, counseling, ministry and spiritual guidance to Departmental personnel and their families if they so desire.

6.7.3 DUTIES AND RESPONSIBLITIES

A. Police Chaplains may be called upon to assist officers in a variety of situations, including, but not limited to death notification, homicide/suicide cases, fatal or serious injury accidents, critical incidents, providing aid or comfort to victims and families, line of duty injuries or deaths, personal issues of Departmental employees if requested, and visitation of sick or injured officers and their family members in the hospital or at home.

B. Police Chaplains, while acting in the capacity of a chaplain, shall possess no law enforcement authority, exercise police powers, conduct investigations, or perform enforcement functions.

C. Requests for a police chaplain must be made through a supervisor unless the employee seeks the assistance of a police chaplain for personal matters.

D. When in Police field service, the police chaplain must wear an identification card or an acceptable identification provided for each chaplain by the Chief of Police. The identification will be used primarily to identify the volunteer chaplain to the officer in charge and will be worn any time assistance is provided.

E. When providing field services, the police chaplain shall complete the Volunteer Police Chaplain Report. The report will be submitted at the end of the chaplains' tour of duty. This report will be submitted to the Service Bureau Commander.

F. Volunteer Chaplains shall complete form POL-149 (Volunteer Police Chaplain Contact Report) on any follow-up contacts they have with persons who are initially contacted during the chaplains' service with the Department. These forms should be turned into the Service Bureau Commander and will be filed and maintained in that office. Personal conversations between Departmental personnel and police chaplains do not require documentation.

G. Police Chaplains shall not release any information to news media, insurance companies or any another non- involved individual. All requests for information should be referred to the on duty supervisor.

H. Police Chaplains should, when requested, notify the involved person's clergy as soon as practical. Upon the clergy's arrival, the chaplain shall defer to the person's clergy and provide assistance as needed or as requested.

I. Police Chaplains shall maintain all privileged communications to them as confidential (unless waived by the individual) or unless those communications affect the safety of that individual or others.

6.7.4 QUALIFICATIONS FOR A VOLUNTEER POLICE CHAPLAIN

In order to qualify for recommendation to the Chief of Police as a volunteer chaplain, candidates must meet the following criteria:

1. Must have a desire to serve as a police chaplain and be available to respond to situations where a chaplain's response is indicated.
2. Must be ordained and licensed member of the clergy and have a recognized ecclesiastical endorsement.
3. Must have a minimum of three- years of service in a full-time pastoral ministry.
4. Must possess a college degree from an accredited institution and it is desired to have a professional certification in religion or counseling.
5. Must demonstrate strong communication skills.
6. Must be willing to become involved in training programs that enhance the clergy person's skills dealing with people in crisis.
7. Must have never been convicted of a felony or offenses involving moral turpitude.
8. Must have strong leadership skills and the ability to understand and relate to persons holding differing religious beliefs.
9. Must have a valid North Carolina operator's license and be able to provide personal transportation.

6.7.5 SELECTION PROCESS

The selection process for the position of volunteer police chaplain shall include the following:

1. Applicants must submit a letter to the Chief of Police expressing interest in the Chaplain program that provides documentation that the position meets the basic qualifications.
2. The Service Bureau Commander or Senior Police Chaplain will verify that the applicant meets the basic eligibility requirements.
3. All applicants must submit to a background investigation.
4. All applicants must participate in an interview to be conducted by a committee that will be appointed by the Service Bureau Commander.
5. Applicants must participate in a minimum of two ride-a-longs of at least four hours each during a variety of shifts and officers.
6. The Service Bureau Commander or Senior Police Chaplain will verify the credentials of candidates and provide results and a recommendation to the Chief of Police.
7. Candidates will be appointed by the Chief of Police.

6.7.6 TRAINING

A. Volunteer Chaplains will attend and complete the departments' citizen police academy within a year of appointment by the Chief of Police. All volunteer chaplains shall attend and complete a Chaplains Basic Certification course to be determined by the Service Bureau Commander.

B. Additional training and guidance will also be provided by the Senior Police Chaplain.

6.7.7 COMPLAINTS AGAINST AND TERMINATION OF A VOLUNTEER POLICE CHAPLAIN

A. Complaints about a chaplains' performance shall be referred to the Service Bureau Commander.

B. Termination of a Volunteer Police Chaplain may occur due to failure to abide to the established policies and procedures, failure to honor an officers' authority or privacy, or failure to practice professional ethics.

6.7.8 REFERENCES

OP 11.13 Peer Support Program

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

	Fayetteville Police Department **WRITTEN DIRECTIVE**	**Number** **6.8**
	Subject **CHIEF'S ADVISORY COUNCIL**	**Effective Date** 30 August 2022
	Revised 08-25-16	**Page** 1 of 2

This Operating Procedure was rescinded on August 30, 2022.

By Order Of: Gina V. Hawkins
Digitally Signed

	Fayetteville Police Department **WRITTEN DIRECTIVE**	**Number** **6.9**
	Subject **TEMPORARY PART-TIME OFFICER PROGRAM**	**Effective Date** 27 October 2021
	Revised **NEW**	**Page** 1 of 2

6.9.0 OBJECTIVE

To establish guidelines for the organization and administration of the Temporary Part-Time Officer Program.

6.9.1 RECRUITMENT AND SELECTION

Recruitment and selection of temporary part-time officers will be done on an "as needed" and "as available" basis.

1. Each person considered for a temporary part-time officer position must have completed the North Carolina Basic Law Enforcement Training (BLET) Program.
2. Each person must have two years of experience with one year of continuous employment with the last law enforcement employer.
3. The selection process for temporary part-time officers with respect to skills, knowledge, and ability will be the same as for full-time officers. The requirements for age, medical examinations, psychological examinations, polygraph examinations, and background investigations will be the same as for full-time police officers.
4. Temporary part-time officers must be able to successfully perform the essential job functions established by the City of Fayetteville for a Police Officer.
5. The temporary part-time police officer position is open to all applicants who meet the selection criteria.

6.9.2 AUTHORITY

NCGS 160A-282 gives a municipality authority to utilize temporary part-time police officers.

1. Temporary part-time officers will be administered the same oath of office as full time police officers.
2. When on-duty, the temporary part-time officer will have full powers of arrest and will enforce all applicable law utilizing the same equipment in the same manner as a full-time police officer.
3. Temporary part-time officers will carry firearms on-duty. Temporary part-time officers may carry concealed firearms "off- duty" or when performing assigned duties under the direction and supervision of the Police Department in accordance with NCGS 14-269.
4. Temporary part-time officers will be bonded with the same coverage provided for full-time police officers. They will be provided the identical liability coverage protection as that of a full-time police officer.
5. Worker's Compensation will be provided if an injury is incurred in the line of duty.
6. Temporary part-time officers will comply with all City and Department rules, regulations, general orders, operating procedures, and verbal commands.

6.9.3 TRAINING

A. Temporary part-time officers are required to meet the same annual in-service training requirements as full-time police officers. Temporary part-time officers must attend all mandatory-training courses as required by the Police Department. The Training Unit will notify all temporary part-time officers of all mandatory training that is being offered. It is the responsibility of the temporary part-time officer to schedule and attend the required training.

B. Temporary part-time officers must qualify with their firearm according to the same standards, scores, and frequency as full-time police officers.

6.9.4 ASSIGNMENTS

Temporary part-time officers will be assigned to the Specialized Services Bureau-Traffic Unit, or any area as needed to meet the needs of the Department. Personnel orders will be generated for all assignments upon approval of the Chief of Police. Temporary part-time officers may be assigned to any law enforcement task.

6.9.5 POLICE RELATED OFF-DUTY EMPLOYMENT

Temporary part-time officers are eligible for secondary employment assignments and will adhere to all requirements as outlined in WD. 2.2 Secondary Employment.

6.9.6 WORK REQUIREMENTS

Temporary part-time officers will work a minimum of 16 hours per month or as directed by the Chief of Police or their designee. Temporary part-time officers will work no more than 19 hours per week in accordance with the City of Fayetteville Employee Relations Policy/Procedure Manual.

6.9.7 PERFORMANCE EVALUATIONS

Performance evaluations will be completed on temporary part-time officers per CALEA standard 35.1.2. Evaluations shall be completed prior to the temporary part-time officer's last working day. Supervisors who are assigned temporary part-time officers will be responsible for completing POL-706 "Temporary Part-Time Officer Performance Evaluation."

6.9.8 UNIFORMS

A. Temporary part-time officers will adhere to the established uniform policy as outlined in WD 5.4 Uniform and Appearance Policy.

B. Retired officers who have left with rank may maintain their rank designation.

C. Each temporary part-time officer will be issued police credentials in the same manner as a full-time police officer.

D. Temporary part-time officers are equipped the same as full-time officers performing similar functions. Equipment may be reduced to reflect the level of activity of the temporary part-time officer.

E. No apparel or equipment will be worn or carried except as issued by the Department or authorized by the Chief of Police.

6.9.9 REFERENCES

Written Directive 2.2 Secondary Employment
Written Directive 5.4 Uniform and Appearance Policy
Operating Procedure 2.1 Recruitment and Retention
City of Fayetteville Employee Relations Manual

By Order Of: Gina V. Hawkins
Digitally Signed

	Fayetteville Police Department **WRITTEN DIRECTIVE**	**Number** **6.10**
	Subject **AUTOMATIC LICENSE PLATE READER**	**Effective Date** 15 August 2025
	Revised 02-19-24	**Page** 1 of 4
	CALEA Standard 41.3.9	

6.10.0 OBJECTIVE

To establish guidelines for the use and administration of the department's fixed and mobile automatic license plate readers (ALPR).

6.10.1 POLICY

A fundamental element of policing is identifying and locating vehicles possibly involved in an investigation. Automatic license plate readers play an increasingly important role in public safety by assisting with the location of wanted vehicles while enhancing productivity, effectiveness, and officer safety. ALPR systems recognize, read, and compare motor vehicle license plates against various law enforcement databases much more efficiently than officers manually scanning and making comparisons while on patrol.

6.10.2 DEFINITIONS

A. Automatic License Plate Reader (ALPR): An ALPR system is a camera or cameras connected to a computer processing unit that converts images of license plates into computer readable data. These cameras can be affixed at a stationary location, mounted to a patrol vehicle, or utilized by a handheld device with required software. The data is compared against a database of license plates.

B. Law Enforcement Purpose: A law enforcement purpose is any of the following:
- Actions related to criminal investigations, arrests, prosecutions, post-conviction confinement, or supervision.
- Apprehending an individual with an outstanding felony warrant.
- Locating a missing or endangered person.
- Locating a lost or stolen vehicle.

C. Scan file data: Information obtained by an ALPR within public view that were read by the device, including images of the license plate and vehicle on which it was displayed, and information regarding the location of the ALPR device at the time the information was captured. Information stored includes a photo of the registration plate showing the rear of the vehicle, a date and time stamp of when the registration plate was read, and a GPS coordinate to identify the location of the plate that was captured by the ALPR.

6.10.3 PROCEDURE

An ALPR shall only be used in accordance with this policy and for a legitimate law enforcement purpose. The Crime Information Center Supervisor shall be responsible for agency administration of the ALPR system.

A. ALPR operators shall receive training prior to using the ALPR system.

B. Local and external databases that are used to compare data obtained by the ALPR system shall be updated at a minimum of every 24 hours.

1. The following databases are used to compare the data obtained by the ALPR:

DCI, CJLEADS, DMV, TLO, CARFAX, Accurint, CLEAR, Records Management System (RMS), LinX, and Police2Police.

C. All searches within the system must have an OCA or CAD number. No other items may be listed as the reason for the search.

D. Upon receiving an alert from an ALPR, the operator will use the displayed information to determine the accuracy and nature of the alert. The operator will visually verify that the subject license plate and the actual read on the ALPR screen are the same.

ALPR systems may provide inaccurate reads of a license plates' characters or state of origin.

1. Do not use an alert alone as reasonable suspicion or probable cause. Do not take enforcement action based solely on the ALPR alert.
2. Before taking action, confirm the data as outlined above and confirm that the alert is one that requires action. For example, the system may alert on a sex offender record, but depending on the location of the vehicle, no action is required.
3. An officer may only take enforcement action once they have confirmed the state of the license plate through DCI or other appropriate official database.

E. Alert Entry

Agency-Wide Alerts:

For any ALPR alerts that are broadcast agency-wide, provide a detailed description for recipients without knowledge of your incident to understand purpose of the entry. This should include the following information:

- Year
- Color
- Make
- Model
- Vehicle Involvement i.e. Hit & Run, Flee to Elude, Suspect Vehicle in SIOD, etc.
- Suspect Information
- Caution Indicators i.e. AWC, AOGO, Armed & Dangerous, etc.
- Enforcement Action Requested i.e. Stop & Detain, If located FI, Seize Vehicle, etc.
- OCA / CAD Number
- Point of Contact
- Date Entered i.e. "DTE 01.01.24"

Unit-Wide Alerts:

The format for agency-wide alerts is recommended. However, the user creating the unit alert may abbreviate an alert description based on the unit's needs and scope of law enforcement activity.

6.10.4 SUPERVISORS

A. Supervisors will monitor the use of an ALPR system and ensure it is being used in accordance with this written directive.

B. Supervisors will ensure that all reports include all the enforcement actions taken that are associated with an ALPR alert or use.

6.10.5 ALPR MANAGER

A. The Crime Information Center Supervisor will be responsible for agency administration of the ALPR program.

B. The Crime Information Center Supervisor will validate training for ALPR operators and ensure that all training is documented.

C. The Crime Information Center Supervisor will recommend policy changes to the chain of command.

D. The Crime Information Center Supervisor and/or ALPR Administrator will conduct annual audits of the effectiveness and use of the ALPR and provide a report to the Chief of Police:

The Internal Affairs Unit will assist with periodic system audits addressing overall usage. The Internal Affairs Unit will audit 20% of the systems current users. The Internal Affairs Unit will share audit information with the CIC Supervisor so that deficiencies, if any, can be addressed.

1. The annual reports shall include:
    i. A listing of trained users
    ii. The number of training sessions conducted within the last 12 months
    iii. A monthly breakdown of the number of reads from 20% of the ALPR cameras.
    iv. A report listing the number of successful apprehensions associated with confirmed reads.

E. Improper system usage will result in the following:

1. First violation - written warning and required re-training.
2. Second violation - suspension from the system for 90 days, formal counseling, and re-training and testing to reactivate access.
3. Third violation - complete loss of access to system (indefinite) and formal counseling.

6.10.6 DATA RETENTION AND USE

A. ALPR captured data is confidential and not a public record under N.C.G.S. §20-183.32(e).

B. Captured plate data <u>shall not</u> be sold for any purpose.

C. All ALPR-generated data will be purged after a 90-day retention period unless a longer retention period has been identified for investigative purposes;

1. FPD officers may retain ALPR data beyond the 90-day retention period for law enforcement or criminal justice purposes if a preservation request has been submitted.

2. The ALPR system automatically erases stored data when the 90-day retention period has elapsed.

3. Data obtained by the ALPR may be preserved for more than 90 days if the requesting party submits a preservation letter or a state or federal search warrant. The CIC Supervisor will review the request(s) to ensure its legitimacy and retains the discretion to deny a preservation request and require a search warrant. Once the request has been reviewed by the CIC supervisor, it will be forwarded on to OPS for approval and dissemination. A preservation request will only preserve the data for one year from the date of the receipt of the request. Any preservation requests must be in accordance with the requirements of N.C.G.S. §20-183.32(c).

D. Preservation requests must be made by submitting a written, sworn statement that includes all of the following:

1. The location of the particular camera or cameras for which captured plate data must be preserved and the particular license plate for which captured plate data must be preserved.
2. The date or dates and times for which captured plate data must be preserved.
3. Specific and articulable facts showing that there are reasonable grounds to believe that the captured plate data is relevant and material to an ongoing criminal or missing person investigation or is needed to prove a violation of motor carrier safety regulation.
4. The case and identity of the parties involved in that case.

E. Access to ALPR data is restricted to FPD personnel, but ALPR data may be shared by an authorized member of FPD with another federal, State, or local law enforcement agency for a legitimate law enforcement purpose or public safety purpose. Any other use of this data is strictly forbidden.

1. Users will be able to access the ALPR data by providing the established user name and password. This access will allow for the user to query information as it pertains to vehicle license plates read by the tag reader cameras.
2. The ALPR manager will determine the personnel that will have access to the database for investigative queries and reports. Any requests for database access will be handled on a case by case basis and those granted access will be provided the user name and password for access.
3. Information stored includes a photo of the registration plate showing the rear of the vehicle, a date and time stamp of when the registration plate was read by the ALPR and a GPS coordinate to identify the exact location the registration plate was read by the ALPR.

F. Outside law enforcement agency ALPR data request.

1. ALPR data may be provided to federal, state, or local law enforcement agencies for legitimate law enforcement or public safety purposes upon written request. The written request may be in electronic format.
2. The requesting law enforcement officer shall send an email request to the supervisor of the CIC containing the agency's investigative report number, the type of crime investigated, the name of the person of interest (if known), and the vehicle registration number sought.
3. The CIC supervisor shall review the information in the request and if determined to meet the requirements to share with another law enforcement agency the supervisor shall.
4. The CIC personnel shall enter the email and the associated ALPR data shared in the CIC investigative log.

6.10.7 MAINTENANCE

A. The ALPR contracted vendor shall maintain calibration and maintenance logs.

6.10.8 REFRERENCES

OP 3.25	Crime Information Center Unit
N.C.G.S. § 20-183.30-33	Automatic License Plate Reader Systems
POL-774	LPR Preservation Request

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **1.1**
	Subject **INTERNAL ADMINISTRATIVE INVESTIGATION PROCEDURE**	**Effective Date** 05 January 2026
	Revised 07-7-93, 10-07-97, 02-25-02, 04-30-08, 08-11-08, 12-23-10, 09-13,4-17-15, 9-2-15, 12-01-15, 2-19-16, 4-8-16, 8-25-16, 10-7-16,11-8-16, 8-9-18, 02-07-19, 01-13-21, 07-07-22, 05-23-24, 08-06-25	**Page** 1 of 10
	CALEA Standard 4.2.1, 4.2.2, 26.1.5, 26.2.2, 26.3.1, 26.3.3,26.3.5, 26.3.4, 26.3.6, 26.3.7, 26.3.8, 35.1.9	

1.1.0 OBJECTIVE

To establish guidelines for supervisory personnel of the Fayetteville Police Department (FPD) when conducting internal investigations.

1.1.1 INVESTIGATIVE RESPONSIBILITIES

A. Internal investigations are conducted on complaints received from internal and external sources and are logged by the Internal Affairs Unit (IAU) to indicate the manner in which they are received whether Departmental, Citizen Complaint, or Use of Force. If the complaint is from a citizen, IAU will send the citizen a letter acknowledging receipt of their complaint.

B. Internal investigations will be conducted in a manner that is consistent throughout the department regardless of whether the investigation is conducted by IAU or supervisory personnel.

C. The investigator is responsible for searching out and gathering all available facts. It is paramount that the investigator maintains an open mind. Seemingly ridiculous allegations have been found to be true; other times, initial physical evidence, which may seem to overwhelmingly support an allegation, later is shown to be incorrect.

D. All use of force (UOF) investigations should encompass every aspect of the event. The supervisor conducting the investigation should review the event from the initiation of the call to the conclusion of the event. This should be done in an attempt to identify what factors led to the outcome.

E. Quality Review

1. A Quality Review is an inquiry of events used infrequently and is designed to provide documentation of an incident which falls short of an internal investigation, but may contain circumstances which warrant documentation.

2. Should the Quality Review produce information indicating a policy violation, use of force, or any other criteria requiring an internal investigation, the incident will be changed from a Quality Review to reflect the type of incident resulting in the internal process and a Notice of Administrative Investigation will be served.

3. Any involved officer will be listed as a witness and at the completion of the review the incident will be categorized as being "Closed" in lieu of Exoneration, Sustained, Unfounded, etc.

4. Examples of when a Quality Review may be completed include, but are not limited to:

   a) **Department vehicle crashes** when the Officer's vehicle is parked in a lawful parking space and is struck by another motor vehicle. However, if the officer is behind the wheel at the time of the crash and the vehicle is in operation (stopped or moving) an internal investigation will be required.
   b) **Injured prisoner** when it is clearly evident the actions of the officer did not contribute to the injury. (Example; Prisoner causes a self-inflicted injury).
   c) **Any other incident** that could result in possible liability for the FPD and is in need of documentation.

5. Claims of injury due to police action will not be documented via a Quality Review. Supervisors will seek out guidance from IAU if they are unsure whether an incident can be reported through a Quality Review.

F. IAU Administrative Investigations

1. IAU is responsible for conducting administrative investigations regarding allegations of criminal misconduct, serious allegations of misconduct, complex and time consuming investigations, use of force investigations where the force results in serious injury or death, and those investigations directed by the Chief of Police. IAU is responsible for conducting administrative investigations involving the following:

   a) Serious administrative investigations
   b) Officer-involved shootings
   c) In-custody deaths
   d) Egregious constitutional violations
   e) Dishonesty
   f) Drug use
   g) Sexual misconduct
   h) Allegations of misconduct of Command Staff personnel with the exception of the Chief of Police
   i) Investigations referred directly by the Chief of Police
   j) Allegations of law violations which have to be reported to NCDOJ Law Enforcement Training and Standards
   k) Vehicle pursuits resulting in a fatality or serious injuries likely to result in a fatality
   l) All serious incidents as outlined in the City of Fayetteville's Employee Relations Manual

2. IAU will serve as a fact finder when conducting internal investigations and will forward the completed investigation for review and recommendation(s) through the employee's Chain of Command, unless otherwise directed by the Chief of Police. It is at the discretion of the Chief of Police on whether or not an internal investigation completed by IAU goes through the employee's Chain of Command. IAU will serve employees a Notice of Administrative Investigation for all complaints or investigations that are being conducted by IAU.

G. Line Level Investigations

1. Supervisors in the employee's direct chain of command will conduct internal administrative investigations (when appropriate) based on the following occurrences:

   a) **Serious violations of the rules**: To include disrespectful conduct toward a superior, sleeping on duty, neglect of duty, and allegations of biased policing.

   b) **Less serious violations of rules**: To include improper vehicle operations, failure to conform to policies and procedures, failure to submit a required report, courtesy violations, etc.

   c) **Violations not directly related to duty**: To include off-duty traffic offenses (depending on the severity), public drunkenness, failure to pay debts, engaging in outside non-sanctioned employment and any actions that could reflect unfavorably on the department.

   d) **Police Vehicle Collisions**: (See W.D. 5.5 – City Owned, or Leased Vehicle Collision Investigation, Reporting & Review).

   e) **Police Vehicle Pursuits**: Pursuits that do not result in a fatality or serious injuries likely to result in a fatality. All pursuits will be investigated by the appropriate Lieutenant or higher for the officers involved. The pursuit will be assigned to the primary officer's Lieutenant or higher and if multiple units are involved, the pursuit will stay in the primary officer's chain of command for review and closure. Due to the disciplinary matrix found in W.D. 3.3 (Disciplinary Action Procedures) pursuits will not go through multiple chains of command for review as the Chief of Police will make the final

decision for closure recommendations.

f) **Excessive Force**: Alleged excessive or unreasonable uses of force not involving death, serious injury, or hospital admittance.

g) **Any other incident** not requiring an IAU investigation or as directed by the Chief of Police.

H. Special Situations

1. An allegation of misconduct complaint against the Chief of Police shall be reported to the City Manager and Director of Human Resources. The City Manager decides who investigates the Chief of Police for misconduct. Any clarification on what type of allegation of misconduct will be investigated will be determined by the City Manager and City Attorney.

2. Sexual Harassment, Discrimination, or Hostile Work Environment incidents within the workplace – follow the guidelines covered in the City of Fayetteville's Employee Relations Manual which states that you are to immediately report any suspicions, allegations, or potential or actual incidents of harassment, sexual harassment, workplace violence, major safety hazards, ethical misconduct, or any other incident detrimental to employees and the workplace. You must notify your Department Director who is then responsible for notifying the City Manager's Office and the Human Resource Development Director. In the event that you are uncomfortable informing your Department Director, you should inform the Human Resource Development Director or City Manager's Office directly. The City Manager's Office and Human Resource Development will ensure a prompt and thorough investigation is completed. The facts determined in the investigation will govern the actions taken. Refer to Article VII Serious Incidents in the Employee Relation Manual for further guidance.

3. You may also report misconduct 24 hours a day, 7 days a week online at reportlineweb.com/fayettevillenc or you can call 1-877-339-4715.

I. Criminal Investigations and NC Training and Standards Notifications

1. Any supervisor, who in the course of an administrative investigation discovers evidence of criminal misconduct, will discontinue the investigation and notify their chain of command and IAU.

2. Supervisors who are conducting investigations where Miranda and Garrity issues might exist should contact IAU for guidance.

3. IAU will notify State Training and Standards in accordance with Rule 12 NCAC 09B.0101(13), which states:

a) The notification, "will be made within five business days of the qualifying event notify the Standards Division and the appointing agency head in writing of all criminal offenses for which the officer is charged, arrested, pleads no contest, pleads guilty, or of which the officer is found guilty. This shall include traffic offenses identified in the Class B Misdemeanor Manual and offenses of driving under the influence (DUI) or driving while impaired (DWI);

b) within five business days of service, officers shall notify the Standards Division and the appointing agency head of all Domestic Violence Protective Order (G.S. 50B) and Civil No Contact Orders (G.S. 50C) that are issued by a judicial official against the officer;

c) within five business days of the date the case was disposed of in court, the agency head, provided he/or she has knowledge of the officer's arrests or criminal charges and final dispositions, shall also notify the Standards Division of arrests or criminal charges and final disposition;

d) within five business days of the issuance of all Domestic Violence Protective Orders (G.S.

50B) and Civil No Contact Orders (G.S. 50C), the agency head, provided he or she has knowledge of the order, shall also notify the Standards Division of these orders.

e) The required notifications in this Rule shall be in writing and shall specify the nature of the offense or order, the court in which the case was handled, the date of the arrest, criminal charge, or service of the order, and the final disposition. The notification shall include a certified copy of the order or court documentation and final disposition from the Clerk of Court in the county of adjudication. The requirements of this Item shall be applicable at all times during which the officer is employed and certified by the Commission and shall also apply to all applicants for certification. Receipt by the Standards Division of a single notification, from the officer or the agency head, shall be sufficient notice for compliance with this Item".

4. The appropriate agency, according to jurisdiction, function, and the type of investigation will be requested to investigate allegations of criminal misconduct.

5. Normally, and depending upon the circumstances of the investigation, IAU will conduct a parallel administrative investigation while the criminal investigation is taking place. Occasionally, IAU will work concurrently with criminal detectives until the time that the employee under investigation needs to be interviewed.

J. Giglio Notification

1. The Chief of Police must report any potential Giglio notifications to the NC Criminal Justice Standards Division for sworn personnel and the NC Sheriff's Standards Division for all Communications personnel.

2. The Giglio rationale applies to all witnesses and/or employees.

3. In accordance with NCGS 17C-16 and NCGS 17E-16, the Chief of Police will notify either the NC Criminal Justice Standards Division or NC Sheriff's Standards Division in writing within 30 days of receiving any potential Giglio notification.

4. A Giglio/Brady notification will also be sent to the Cumberland County District Attorney's office.

1.1.2 INTERNAL INVESTIGATIVE PROCESS

A. Evaluate the Complaint

1. The supervisor will evaluate the specific allegations/misconduct and determine what issues to address. It is important to translate a complainant's allegations into department terminology so that if an allegation is substantiated it is clear what the violation(s) would be.

2. As the supervisor proceeds, additional violations may be identified and they are referred to as Violation Other Than Complaint (VOTC). If VOTC's are found on other employees during the investigation, then a Notice of Administrative Investigation must be served on that employee and then the supervisor can address the VOTC in the original internal. An additional internal is not required; however, if any member of the employee's chain of command sustains a VOTC, then that supervisor is to serve an NOAI on the employee and obtain a verbal statement or report/supplement from him/her. VOTCs will not be returned to the previous members of the chain of command to address, as this will cause unnecessary delays in the internal. The supervisor that finds the VOTC will advise his/her subordinates of the discovered VOTC and will appropriately recommend a disposition for the VOTC. If the Chief of Police discovers and sustains a VOTC then a Notice of Administrative Investigation will not be served on the employee as the employee will be notified if disciplinary action is the final recommendation.

3. A Notice of Administrative Investigation will be served on the employee for all allegations or complaints of violations of the Fayetteville Police Department's Rules and Regulations, Operating Procedures, Written Directives, City of Fayetteville Policies and Procedures, reportable use of force,

pointing of a weapon or violations of the law.

B. Internal Investigative File Content

1. All internal investigations will be recorded and disseminated through the department's electronic administrative investigative software, Blue Team.

2. The following will serve as a guideline to supervisors conducting internal investigations and what is required to be uploaded into Blue Team. Items with asterisks (*) are required, while other items, to include those not listed, may become essential additions based on the nature of the investigation.

    a) Notices of Administrative Investigation / Rights and Responsibilities of Employee's - Supervisors are required to issue and read the employee a Notice of Administrative Investigation for all allegations or complaints of violations of the Fayetteville Police Department's Rules and Regulations, Operating Procedures, Written Directives, City of Fayetteville Policies and Procedures, reportable use of force, pointing of a weapon or violations of the law. Attach a copy of the notice to the initial Blue Team entry. The employee's signature on the form is not required, but supervisors are encouraged to attempt to obtain a signature from the employee. It is mandatory for all supervisors issuing a Notice of Administrative Investigation to actually read the form aloud to the employee being served. *Issuance of a Notice of Administrative Investigations is not required for Quality Reviews.
    b) *Supervisory Summary for Citizen Complaints, Departmental Investigations, and Quality Reviews- See below for "Supervisor Summary" content
    c) Use of Force Short form
    d) Vehicle Crash Form
    e) Vehicle Pursuit Short form
    f) *Employee Statements - Statements from the employee are mandatory once an NOAI is issued. These statements can be made verbally or by completion of a report/supplemental.
    g) Complainant/Witness Statements.
    h) *Any related police reports (CAD Reports, State/Warning Citations, TSR, etc.)
    i) Photographs.
    j) *Photographs are **required** for Use of Force investigations.
    k) Pertinent In-Car video or Body Worn Camera files or URLs
    l) Polygraph/CVSA results.
    m) Intoximeter, medical laboratory or other diagnostic results.
    n) Financial disclosure statements.
    o) Garrity Warnings (if given).
    p) Any required City of Fayetteville or FPD forms.
    q) CAD Call Summary, 911/Video and or Audio requests if available.
    r) *Police vehicle accidents must include a DMV-349 Crash Report, CAD Report, Liability Claim Form, and Recommendations for Case Disposition. (See WD 5.5, "City Owned, or Leased Vehicle Collision Investigation, Reporting & Review" for further guidance on required documentation).
    s) *Complete and attach document list.

3. The supervisor conducting the investigation is responsible for electronically attaching all supporting documentation prior to forwarding the investigation through Blue Team. Additional supervisory memos will be attached if needed by the respective chain of command. Supervisors need to keep their comments in Blue Team routings brief and if a detailed summary is needed then the supervisor needs to complete a memorandum to attach to the investigation.

C. Internal Investigative Completion and Routing

1. Use of Force Incidents

    a) Supervisors will complete the initial Reportable Use of Force Blue Team entry on all Use of Force incidents in which one of their subordinates is involved. If there are multiple officers involved it is

mandatory for the supervisor to enter each involved officer's Reportable Use of Force Blue Team Entry. Once entered, the supervisor will send the Reportable Use of Force entry to IAU so all persons involved can be linked and a Use of Force investigation created. Once created, IA will assign the investigation to the appropriate supervisor.

b) Supervisors will respond to the scene and gather all facts and evidence surrounding the incident. Any and all videos of the incident will be reviewed by each member of the chain of command. Supervisors should attempt to obtain photographs of the person force was used on and attach the photos to the file. Color photographs are preferred as black and white photographs can be difficult to see detail.

c) A Use of Force Short form will be completed and the supervisor will attach all documents and forward the incident to the next level in the Chain of Command.

d) Refer to WD 4.1.5 D (1) "Less Lethal Use of Force and Reporting" for examples of situations where completion of a Use of Force Investigation is **required.**

e) If any investigation requires input or opinion from a Subject Matter Expert at the training center, the request shall be submitted to the Training Center Lieutenant for evaluation. Upon review, the Lieutenant will designate the appropriate Training Center Sergeant and/or Police Specialist to conduct the assessment.

2. The following are steps investigating supervisors should follow regarding the completion and proper routing of internal investigative files.

a) Supervisors will complete the initial electronic Blue Team entry. The initial entry will be sent to IAU so an IAU number can be assigned and the employee's IA Resume can be attached. IAU will then send the investigation back to the supervisor for completion. If the investigation pertains to a Vehicle Pursuit then the investigation will be assigned to the appropriate Lieutenant or higher depending on the Lieutenant's involvement.

b) The supervisor will provide the employee(s) copies of their Notice of Administrative Investigation form after reading the form in its entirety to them.

c) The supervisor will complete the investigation and upload all required documentation associated with the internal investigation into Blue Team.

d) If a violation is sustained at any level of the chain of command, the supervisor will annotate the specific violation and the recommended disciplinary action in the comments of the Blue Team routing or supervisor memorandum if you are the investigating supervisor. For disciplinary recommendations the supervisor should follow W.D. 3.3 Disciplinary Action Procedures.

e) Vehicle Crashes, Quality Reviews, Citizen Complaints, Departmental Investigations, Use of Force, and Vehicle Pursuits will go through the rank of Captain. The Captain will then send the completed investigation to IAU for final review.

f) IAU will review each case to ensure all citizen and officer information is being captured consistently and accurately.

g) The IAU will review each Vehicle Crash (which is sustained), all Citizen Complaints, Departmental Investigations, Use of Force incidents, and Vehicle Pursuits with the appropriate assigned Major, Assistant Chief, and Chief of Police for final disposition and recommendation. Note: the Majors are only authorized to be in this briefing for incidents involving employee's under their command.

D. Supervisory Summary

1. The supervisor who conducts the investigation will upload into Blue Team a memorandum containing a summary of the investigation. When applicable, the supervisor's summary should include:

a) Original allegation and any other violations that became apparent through the course of the investigation.

b) Facts that support the findings of the investigation.

c) The actual findings of the investigation.

d) Determination of any rule violations by citing **each specific rule** violation and a brief description of how the violation occurred.
e) Recommendation for disciplinary action

2. The outline of the memorandum should be consistent throughout the department and should be structured in the following manner:

a) Summary of Complaint
b) Policies and Procedures: List of FPD Rules & Regulations, Written Directive, Operating Procedures, Core Values or City of Fayetteville Administrative Policies relevant to the investigation.
c) Investigative Summary
d) Employee and/or citizen interviews
e) Pertinent Videos and/or Body Worn Cameras Reviewed
f) Coaching and Training – Decisions made which can be reasonably addressed through coaching and training specific to the involved employee in lieu of entering the progressive discipline matrix.
g) Findings & Recommendations

E. Time Guidelines

1. It is the responsibility of each level of supervision to check their Blue Team inbox weekly to make sure they have no pending internals needing review.
2. The following timelines have been established for the completion of internal administrative investigations:
   a) Vehicle Crashes – 7 calendar days from the date of the crash to go through the rank of Captain and then sent to IAU
   b) Use of Force Investigations – 7 calendar days from the date of the Use of Force to go through the rank of Captain and then sent to IAU
   c) Vehicle Pursuits – 7 calendar days from the date of the Pursuit to go through the rank of Captain
   d) Citizen Complaints – 14 calendar days from the date of the complaint to go through the rank of Captain
   e) Departmental Investigations – 14 calendar days from the date of the Departmental to go through the rank of Captain
3. Investigations that are sent back for corrections/follow-up will be returned to the sender by the end of the recipient's next available duty day.
4. Any extensions must be approved by the IA Commander and will be uploaded to the Blue Team investigative file. The supervisor should also explain the reason for the extension and provide an estimated time of completion.
5. When circumstances exist which result in the investigation exceeding 7 calendar days (Pursuits, Crashes, UOF) or 14 days (Citizen Complaints and Departmentals), the supervisor who is responsible for the delay is required to notify the citizen complainant if applicable, and the involved employee(s) of the delay. This notification is mandatory and must be documented on a separate memorandum advising the citizen and/or officer for the reason for the delay.
6. Due to the nature of internals assigned to IAU, members of the unit are exempt from completing investigations within the above listed time guidelines.
7. Supervisors will ensure the employee goes to IAU within seven (7) calendar days of the notification of final disposition so they can be served any disciplinary action they may have.

F. Investigative Tools

1. Upon approval of the Chief of Police or designee, certain investigative methods may be used during internal investigations. When they are specifically and narrowly related to a particular internal investigation, employees may be compelled to submit to the following for administrative purposes only:

   a) Intoximeter, medical laboratory or other diagnostic tests
   b) Photographs of employees
   c) Employee line-ups
   d) Produce financial disclosure statements

e) Polygraph/CVSA (see Operating Procedure 1.6 Computer Voice Stress Analyzer (CVSA) and Polygraph Examinations)
f) Department issued cell phone records to include text messages
g) All social media sites and/or posts that are open to the general public

2. The Chief of Police or his/her designee may authorize the surveillance, photographing or filming of employees during administrative investigations. Any employee assigned the use of a city owned or leased communication device, vehicle, office, work space, or similar property under the dominion and control of the City of Fayetteville is hereby notified that they have no expectation of privacy in the use of said communication device, written correspondence, city mail, vehicle, office, work space, or similar property under the dominion and control of the City of Fayetteville. The City of Fayetteville reserves the right to enter and/or search all items, spaces, and property owned, leased, or controlled by the City of Fayetteville without a warrant or any prior notice.

G. Adjudication Classifications

1. The burden of proof in administrative investigations is "preponderance of evidence" rather than the criminal standard of "beyond a reasonable doubt". Preponderance of the evidence has been described as a "slight tipping of the scales of justice" or "more than 50 percent". "No Violation" is not an option.
2. All supervisors in the chain of command are responsible for identifying one of the following disposition classifications:
   a) **Unfounded** - The investigation indicated that the alleged act or acts did not occur.
   b) **Not sustained** - The investigation failed to produce a preponderance of evidence to either prove or disprove the allegation.
   c) **Exonerated** - The allegation in fact did occur, but the actions of the department employee were legal, justified, proper and in conformance with the department policy, procedures and training protocols.
   d) **Sustained** - The investigation produced a preponderance of evidence to substantiate the allegation of an act that was determined to be misconduct and not in accordance with FPD policy, procedures and/or training protocols.
   e) **Violation Other Than Complaint (VOTC)** - Any allegation(s) of misconduct discovered during the course of the investigation which were not specifically alleged in the original complaint.
   f) **Training Improvement(s)** – Decisions made were not considered to be tactically sound. Individual training specific to the involved employee is recommended.
   g) **Policy Improvement** – Involved employee adhered to policy and/or training protocols; however, the incident has identified that current policy is inadequate, ineffective, or deficient, or, there is no existing policy/training which addresses the action taken or performance demonstrated and improvements should be made
   h) **Closed** – Only used for Quality Reviews

1.1.3 DISPOSITION OF INTERNAL INVESTIGATIONS

A. Once IAU receives a completed file and has received the recommendations from the Chief of Police or designee, the completed file will be closed in IAPro and the final disposition and completion date will be recorded. Internal investigations can be tracked by an employee's name and can assist in identifying poor work performance patterns. Likewise, a citizen's name can be retrieved to see if a pattern of complaining exists.

B. A letter is sent from IAU to all citizen complainants at the conclusion of the investigation. The letter will inform the citizen that the matter has been investigated and the appropriate action was taken.

C. IAU will send all employees their internal disposition at the conclusion of the investigation via email. Letters will not be sent to those employees who are receiving disciplinary action as the disciplinary action will serve as their final notification.

1.1.4 TEMPORARY REMOVAL FROM DUTY

A. Any department supervisor is authorized to remove an employee from duty when the employee, in the judgment of the supervisor, is unfit for duty due to:

1. Intoxication
2. Psychological or physical instability affecting or that may affect duty performance
3. Severe misconduct

B. This removal is temporary and with pay. The employee's chain of command, IAU and the Chief of Police will be notified immediately when removal from duty occurs.

C. Any supervisor who must take this action will comply with the following:

1. Provide the employee with support services (Employee Assistance Program and/or Departmental Contracted Counseling Services).
2. Advise the employee that he/she may not engage in any law enforcement activities.
3. Order the employee to relinquish his/her service weapon, badge and police credentials.
4. Order the employee to remain at his/her residence during normal duty hours and advise them they are subject to recall and must be available during that timeframe.
5. Prepare a report describing the circumstances of the action and distribute to the chain of command, IAU and the Chief of Police.

1.1.5 COMPENSATION

A. Personnel required to participate in an internal investigation beyond their normal assigned schedule will be compensated at their regular pay rate as established by current City personnel rules.

B. Personnel will not be compensated for time accrued during a criminal investigation because participation in criminal investigative interviews are voluntary and are not compelled by the department.

1.1.6 ADMINISTRATIVE DUTY ASSIGNMENT

A. When an allegation is serious in nature, the IAU or the Chief of Police may place the employee on Administrative Duty Assignment pending the outcome of the investigation or inquiry.

B. This is a judgment call in which the totality of the circumstances of the investigation and the impact that continued regular duty could have on the operating efficiency of the department will be taken into consideration.

C. Employees placed on administrative duty due to medical reasons and/or internal administrative investigations will report to the Specialized Services Commander for duty assignment.

D. Administrative Duty assignments are made at the discretion of the Chief. Employees who are granted Administrative Duty will work hours/days of operations which best serve the needs of the department.

1.1.7 ACCESS TO INTERNAL INVESTIGATIVE FILES

A. Employees will have the right to review an internal investigative file where they are the subject of the investigation. They do not have the authority to review any information pertaining to other employees who may also be a subject of the investigation.

B. Employees may request and are entitled to a copy of any internal investigative file they were subject to, with the exception of items that are covered under the Personnel Privacy Act. All information pertaining to other employees who were also subject of the same investigation will be redacted prior to release.

C. Employees are not authorized to receive a copy of any law enforcement recordings which maybe in their investigative file. Employees can review these videos upon request through the Internal Affairs Unit. This is in accordance with N.C.G.S. 132-1.4A Law Enforcement Agency Recordings.

1.1.8 REFERENCES

WD 3.1	Internal Affairs Unit
WD 3.2	Complaint/Compliment Procedure
WD 3.3	Discipline Action Procedure
WD 3.7	Employee Early Warning System
WD 4.1	Less Lethal Use of Force and Reporting
WD 4.10	Conducted Energy Weapon (CEW)
WD 4.11	Use of Deadly Force and Reporting
WD 5.5	City Owned, or Leased Vehicle Collision Investigation, Reporting, and Review
OP 1.6	Compute Voice Stress Analyzer (CVSA) and Polygraph Examinations
OP 1.7	Administrative Duty Assignment

City of Fayetteville Employee Relations Manual

NC Standards for Criminal Justice Employment Rule 12 NCAC 09B.0101(13)

N.C.G.S. 17C-16	Requirement to Report Material Relevant to Testimony
N.C.G.S. 17E-16	Requirement to Report Material Relevant to Testimony
N.C.G.S. 132-1.4A	Law Enforcement Agency Recordings

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

1.3.0 OBJECTIVE

To provide guidelines to Police Department personnel for managing and participating in the City of Fayetteville (COF) Performance Management and Evaluation System process.

1.3.1 ADMINISTRATION

A. Performance evaluations will be conducted annually for all full time and part time employees in accordance with the schedule set by the Human Resource Development Department (HRDD).

B. The City of Fayetteville Performance Management (PM) System Policies and Procedures are available to all police employees using the City of Fayetteville Intranet Portal (http://cofweb). The portalprovides a link to the Human Resource Development Department where guidelines and forms can be reviewed and downloaded. Supervisors are responsible for ensuring they are using the most up to date PM forms.

C. Supervisory personnel are required to have a thorough knowledge and understanding of the performance evaluation system. Supervisory personnel will receive performance rater training prior to or soon after promotion through participation in the City or Police Department Supervisors Course. When a course is not available the respective Captain will be responsible for conducting and documenting this training.

1.3.2 PERFORMANCE PARTICIPATION BY EMPLOYEES

A. The Performance Management process is a participative process. All employees are strongly encouraged to provide documented feedback on their performance to their supervisor using the PM-1or PM-2. This feedback should include specific examples of what has been accomplished for completing each job result identified as identified by the employee. When an employee elects not to provide feedback to their supervisor on what has been accomplished, then the supervisor has less information for completing an honest and fair evaluation.

B. It is not the supervisor's responsibility to "Exceed" an employee on their Mid-Cycle or Annual Evaluation. It is the responsibility of each employee to maintain documentation on their own performance so they can provide their supervisor with the documentation the supervisor needs to complete an honest and fair evaluation based upon the job results established and what has been accomplished. (PM-4 has directions for completing the self- evaluation).

C. During the performance evaluation review meeting, the employee will be given the opportunity to sign and make written comments to supplement the completed performance evaluation report.

1.3.3 PERFORMANCE EVALUATION COMPLETION

A. Supervisors will advise employees in writing whenever their performance is identified as unsatisfactory. The written notification will be given to employees in a timely manner so the employeecan work to improve their performance. The Performance Management Form (PM-5) will be used to document performance activities for both positive and deficient performance actions.

B. Supervisors will rate employee performance against each job result established for the position. The rating should be based upon consideration of the employee’s total performance over the entire rating period.

C. Supervisors will provide explanatory comments on any area where a job result is noted as exceeding expectations or needing improvement.

1.3.4 PERFORMANCE EVALUATION ROUTING

A. The supervisor completing the performance evaluation is responsible for signing the evaluation and forwarding the evaluation through the chain of command to their respective Division/District Commander and Administrative Services Manager prior to meeting with the employee to go over the evaluation. Each level of the review process will sign and date the evaluation form.

B. Division/District Commanders are responsible for signing each performance evaluation as the Department Reviewer for their area of responsibility as follows:

1. Meets Expectations overall performance rating – review, sign and return to the supervisor to proceed with the performance management meeting.
2. Exceeds Expectations overall performance rating – review, sign and ensure documentation supports the rating and any additional forms required have been completed. Forward to the Bureau Commander for review as the Final Reviewer.
3. Needs Improvement overall performance rating – review, sign and ensure documentation supports the rating and the Performance Improvement Plan (PIP) documentation has been completed and the PIP has been approved by HRDD. Return to supervisor to proceed with the performance management process.

C. Bureau Commanders are responsible for signing all performance evaluations for their respective area as the Final Department Reviewer.

D. All completed evaluation forms will be accounted for by designated administrative staff within each Bureau. Administrative staff will be responsible for entering the overall performance rating in the City's Enterprise Resource Planning System. The original evaluation plus one copy will be forwarded to the Chief's Staff Unit and a copy will be placed in the IAU employee file and the original forwarded to HRDD.

1.3.5 PEFORMANCE MANAGEMENT DISCUSSION

The supervisor will discuss the evaluation with the employee and provide the employee with an opportunity to make written comments pertinent to the evaluation. The employee will sign the report indicating that the evaluation has been read by the employee and explained by the supervisor. The supervisor will provide the employee with a copy of the completed performance evaluation report. Employees wishing to appeal their performance evaluation may do so in accordance with the City of Fayetteville Performance Management System Policies and Procedures appeal's process.

1.3.6 FIRST YEAR ENTRY LEVEL EMPLOYEE EVALUATIONS

First year entry-level employee quarterly evaluations are no longer needed as CALEA has removed this requirement from the standard. The 6 month and 1-year probationary evaluations will be administered in accordance to City of Fayetteville policies and procedures as stated in 1.3.1.

1.3.7 SUPERVISOR / EMPLOYEE REASSIGNMENT

Supervisors completing a performance evaluation on an employee who has not worked for them during the entire performance cycle will solicit feedback from the previous supervisor(s). The performance evaluation will be completed by the supervisor who observed the employee's performance for the longest period of time during the evaluation cycle, taking into consideration feedback from the other supervisor(s).

1.3.8 APPRAISER ACCOUNTABILITY

To ensure department objectives are of fair and impartial personnel administration and improved performance at all levels, each supervisor will be held accountable for the uniform application of performance evaluation procedures and will be rated on the quality of ratings given to employees.

1.3.9 SEPARATION FROM EMPLOYMENT

IAU will forward a form for the separating employee's chain of command to indicate whether the separating employee should be considered for rehire with explanatory comments justifying whether the employee should or should not be considered for rehire. This document will be maintained in the employee's file located in IAU.

By Order Of: Gina V. Hawkins
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **1.4**
	Subject **INSPECTIONS**	**Effective Date** 2 November 2023
	Revised 01-26-88, 06-4-94, 08-22-97, 02-25-02, 08-16-05, 11-13-13, 03-17-14, 05-30-17, 08-09-18	**Page** 1 of 2
	CALEA Standard 17.5.2, 41.1.3, 41.3.2, 53.1.1, 53.2.1	

1.4.0 OBJECTIVE

To establish guidelines for conducting line and staff inspections of personnel, equipment or facilities owned or employed by the Fayetteville Police Department (FPD).

1.4.1 PURPOSE

The inspection process compares the FPD expectations with actual performance. Inspections provide a means of identifying and providing information necessary to evaluate the efficiency and effectiveness of existing programs. The department's compliance with established goals, objectives, Written Directives, Operating Procedures and Rules and Regulations will be evaluated through the inspection process.

1.4.2 DEFINITIONS

A. Inspection Process - a mechanism for evaluating the quality of department operations, ensuring that the department's goals are being pursued and identifying the need for change.

B. Line Inspection - the examination of persons, facilities, equipment, procedures or other items by personnel who have the authority to require immediate corrective action.

C. Staff Inspection - the examination of personnel, facilities, equipment, procedures or other items by persons who are not in control of these elements

1.4.3 LINE INSPECTIONS

A. Line inspections are the primary responsibility of supervisors and managers at every level in the FPD chain of command. Line inspections are an ongoing activity to ensure that employees are complying with FPD requirements regarding appearance, use and condition of equipment, facilities and adherence to department policies and procedures. Bureau Commanders may conduct formal line inspections when deemed necessary.

B. Daily Line Inspection

1. Each supervisor is responsible for the inspection of personnel, activities and equipment under their supervision and the initiation of corrective action in the event of a failure, error, violation, misconduct or neglect of duty by a subordinate.
2. Supervisors are responsible for inspecting their personnel on a daily basis. Uniform and general appearance may occur informally via roll call observation by the supervisor.
3. Deficiency correction is the responsibility of the inspecting supervisor. Deficiencies that require more than a minor correction should be documented on the PM5. Other minor deficiencies should be handled at the supervisory level.
4. When deficiencies are documented, the follow-up will occur no later than the beginning of the next work week and the corrective action will be documented on a PM5 as well.

C. Bi-weekly Line Inspection

1. Lieutenants and sergeants are responsible for conducting bi-weekly inspections, which include weapons, vehicles, equipment and work areas. These inspections may occur on different days and will be documented using the Field Contact module.
2. Deficiency corrections are the responsibility of the inspecting supervisor. Deficiencies that require more than a minor correction should be documented on the PM5 and when necessary,

corrective counseling should be documented. Other minor deficiencies should be handled at the supervisory level.

3. When deficiencies are documented, the follow-up will occur no later than the beginning of the next work week and the corrective action will be documented on a PM5 as well.

1.4.4 STAFF INSPECTIONS

A. Staff inspections provide an objective evaluation of department procedures, facilities, property, equipment and personnel. The emphasis is on evaluating the system rather than the individual. A staff inspection within all organizational components will be conducted at least every four years to be coordinated and managed by the Specialized Services Bureau.

B. The Specialized Services Bureau Commander will assign the Specialized Services Captain or Lieutenant to serve as the Staff Inspection Coordinator. The Coordinator is responsible for organizing the inspection and coordinating with other Unit/Division Supervisors/Lieutenants to assist as inspectors of areas where they are not assigned.

C. Staff Inspection Reporting

1. A staff inspection is an in-depth review of all FPD components. The inspection team will not apply disciplinary action against any member of the FPD who, through the inspection process, has been found to have violated a departmental rule, regulation or procedure. Specific violations by an employee will be noted in the inspection report.
2. The Staff Inspection Coordinator will coordinate with the Division Commanders to identify a timeframe for the staff inspection schedule. A staff inspection plan will be developed by the Coordinator and will include a staff inspection schedule by unit/division, inspection team assignments, and items to be included within the scope of the inspection (uniforms, vehicle, equipment, weapons, work space, etc.). The staff inspection plan will be disseminated to the Bureau and Division Commanders prior to the inspection. A member of the affected unit may be requested to act as liaison between that unit and the Inspection Team.
3. The lead inspector for each inspection team will coordinate the inspection with the respective unit supervisor and are responsible for completing an inspection report for each unit inspected and attaching any support documentation, such as forms used. For deficiencies that could not be immediately corrected during the inspection a follow up report will be completed by the lead inspector and will include follow up activities for those deficiencies that required more in-depth follow up and the correction taken.
4. All inspection reports will be submitted to the Inspection Coordinator for compilation as one Departmental Staff Inspection Document. The Inspection Coordinator is responsible for submitting the final document to the Specialized Services Bureau Commander with a brief summary of the overall evaluation of the inspection and identifying significant strengths or deficiencies that serve to increase operational efficiency and effectiveness.
5. The Specialized Services Bureau Commander will ensure that the Accreditation Manager is provided with a copy of the final reports.

By Order Of: Kemberle Braden, Chief of Police
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **1.5**
	Subject **GENERAL MANAGEMENT OF ADMINISTRATIVE REPORTS**	**Effective Date** 9 August 2018
	Revised 04-28-88, 02-25-02, 01-22-14	**Page** 1 of 2

1.5.0 OBJECTIVE

The objective is to identify those reports designed to provide information within the Department on a day-to-day operational basis as well as provide a mechanism for reporting agency activities outside the agency.

1.5.1 ADMINISTRATIVE REPORTING SYSTEM

A. The Planning, Research and Development Unit will maintain a system of administrative reporting to coordinate the process for compiling information on agency activities for use by Department personnel.

B. The Planning, Research and Development Unit is responsible for maintaining a list of all administrative reports that will include the person or position responsible for formulating the report, purpose of the report, frequency of the report, and distribution of the report as an Addendum to this Operating Procedure (POL-315). The Addendum will be reviewed and updated annually to add or delete reports that are identified as needed or no longer required.

1. Daily Reports

   a) Patrol Shift Sergeants and Detective Division Sergeants are required to maintain daily duty rosters reflecting the duty status of their personnel and to document weekly inspection activities on the duty roster. Duty rosters will be made available in Police Shares for ease of access by all Department personnel to include the Communications Division and the Central Records Unit. The end of shift reports are used to keep personnel informed of major crimes, traffic collisions, arrests, and other important activities. These reports are done via email and available for review to all police personnel. These activity reports are completed by the watch commander, or designee, at the end of each tour of duty.

   b) Watch Commanders are responsible for the preparation of a 24 hour daily activity report following the completion of each shift watch. This report serves to provide a summary of significant activity that has occurred during the previous 24 hours and includes serious crimes, officer/employee involved incidents, and any other information that needs to be communicated efficiently.

   c) The Crime Information Center, reporting directly to the Chief of Staff, shall be responsible for preparing statistical summaries for criminal activity within the agency's jurisdiction and corresponding enforcement activities. Traffic enforcement and other enforcement activities will also be monitored and recorded in statistical format as needed.

   d) The RMS Database Manager is responsible for preparing a daily bulletin that is disseminated to the Police Special email distribution list and depicts the crime/incident reports taken during the most recent 24 hours.

   e) The Public Information Officer is responsible for the daily dissemination of information to the general public and media for those events and activities where information needs to be disseminated.

2. Monthly Reports

   a) Monthly Reports provide management information on specific activities, Divisions and Units. Bureau/Division Commanders may require monthly reports within their respective areas of

responsibility and will provide monthly reporting requirements to the Technical Services Division for updating on POL-315.

b) A complete listing of monthly reports is provided on POL-315 as an Addendum to this procedure.

3. Annual Report

a) The Fayetteville Police Department Annual Report will be completed based on the calendar year end and will be due by June 30th of the following year. The report will provide comparative data and statistics and account for the activities of the Department. The Planning, Research and Development Unit will publish the annual report. Resources needed to complete the report will be determined and requested as needed by the Accreditation & Grant Manager. Resource information will include information from activities and progress concerning Department goals and objectives and summary reports from each Bureau or Units within the Department. After the annual report is printed and approved by the Chief of Police, the Police Department Annual Report will be made available to all Department Personnel and to the community on the Police Department web site.

b) A complete listing of annual reports is provided on POL-315 as an Addendum to this procedure. The administrative reporting system provides management information on the activities of the agency on a timely basis reflecting comparative data on activities and trends. This system provides information and communication throughout the Chain of Command. A listing of reports, inspections, reviews, and analysis to be submitted to the Chief of Police and staff members designated by the Chief of Police per policy is as follows. These reports are discussed in further detail in the appropriate chapters of the Fayetteville Police Department Policy and Procedures Manual.

By Order Of: Gina V. Hawkins
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **1.6**
	Subject **COMPUTER VOICE STRESS ANALYZER (CVSA) AND POLYGRAPH EXAMINATIONS**	**Effective Date** 20 March 2026
	Revised 04-4-86, 04-22-96, 11-08-00, 2-25-02, 1-17-14, 12-03-14, 08-29-22	**Page** 1 of 5
	CALEA Standard 31.5.5, 42.2.5, 42.2.8	

1.6.0 OBJECTIVE

To establish guidelines for administering CVSA and Polygraph Examinations in conjunction with pre-employment screening and as aids in investigations conducted by the Police Department.

1.6.1 DEFINITIONS

A. CVSA (Computer Voice Stress Analyzer) - a computer that detects stress in the voice of a person that is being deceptive.

B. Polygraph - an instrument that scientifically records psycho-physiological changes within a person's body while being questioned.

C. Qualified CVSA Examiner - a person who has satisfactorily completed training by a recognized instructor in truth verification and the use of a CVSA.

D. Qualified Polygraph Examiner - a person who has satisfactorily completed a polygraph school approved and certified by the American Polygraph Association.

1.6.2 RESTRICTIONS

A. CVSA and Polygraph Examinations are methods used for truth verification and as information aids in resolving factual disputes. However, neither method should be used as a single determinant for offering or terminating employment. Additionally, these methods should not be used to bypass investigative procedures or when sufficient evidence is available to establish the facts.

B. Polygraph/CVSA rooms have the potential for an interview to turn into an interrogation and arrest of an individual. It is necessary to establish safe conditions for the various situations all personnel may encounter when conducting interviews and interrogations in these rooms. The following procedures will be adhered to regarding the use of the polygraph/CVSA.

1. Weapons should be secured when a suspect involved in a crime is being tested or when an employee involved in an internal investigation is being tested.
2. The examiner is responsible for the safety of persons participating in the testing process. The examiner is responsible for ensuring that no contraband is in the room prior to and after completing the testing.
3. No more than two departmental employees or outside law enforcement personnel are authorized in the testing room with a subject except in emergency situations, including but not limited to, situations when a subject or an officer is in need of assistance.
4. Examiners administering a polygraph/CVSA will utilize the room's alarm to summon assistance. In the case there is not an alarm in the room; examiners will utilize their police radio in the event they need to summon assistance.
5. The only equipment or items to be kept in the PAB Polygraph/CVSA room is a table, chair, filing cabinet and the testing equipment. CVSA's conducted for pre-employment purposes may be conducted in offices/rooms that are conducive to this type of testing without restrictions.
6. All subjects participating in a Polygraph/CVSA testing process will be provided access to water, restrooms, and other basic needs by the responsible officer in a timely manner.

1.6.3 CVSA MEDICAL AND PHYSICAL RESTRICTIONS

A. Persons determined not mentally or physically fit by the examiner will not be tested.

B. Persons who have just been interviewed criminally or administratively should not be tested immediately following the interview (excluding pre-test interviews).

1.6.4 POLYGRAPH EXAMINATIONS

A. Pregnant women will not be tested.

B. Persons with heart conditions will not be tested without written permission from his/her physician.

C. The examiner will determine if any medications that the person is taking would adversely affect the outcome of the exam.

D. A CVSA Examination may be administered to a juvenile between the ages of 7 and 16 and a Polygraph Examination may be administered to a juvenile between the ages of 14 and 17 if a parent or guardian signs the Truth Verification Release Form. The juvenile must sign a Juvenile Miranda Waiver prior to testing if in custody. Under no circumstances can a parent or guardian waive the juvenile's Miranda Rights.

1. Examinations may be administered without a parent or guardian signing the Truth Verification Release Form if:

    a) The juvenile is married or emancipated.
    b) The juvenile is over 16 and is accused of a felony.
    c) The juvenile is 14 or 15, has been charged with a felony, and has been bound over to Superior Court for trial as an adult.

2. Only qualified examiners will administer an exam.

1.6.5 PRE-EMPLOYMENT SCREENING

A. Objectives

1. To ensure suitability for employment.
2. To verify accuracy and completeness of information on applicant.
3. To resolve questions or conflicts arising from the background investigation.
4. To ensure that there is no history of criminal or other disqualifying behavior.
5. To deter those seeking to penetrate law enforcement for improper purposes.

B. Requirements

1. Police applicants will be advised that as a condition of employment, they must submit to a pre-employment examination.
2. Civilian applicants will require a pre-employment exam. Civilian applicants selected from the interview phase of the selection process to advance in the selection process will be provided with a Pre-Employment Polygraph/CVSA Questionnaire to complete prior to the administration of a polygraph/CVSA exam. The scope from which Polygraph/CVSA questions are drawn will be narrowly and directly related to the Pre-Employment Polygraph/CVSA Questionnaire. Exceptions to the non-sworn Polygraph/CVSA exam requirement include current Police Department employees who apply for in house positions and Fayetteville Police Department sworn retirees who apply for a non-sworn part time employee position.
3. An examination will not be the single determinant of employment status. However, admissions made before, during, or after the examination may be sufficient to support decisions relevant to employment status.
4. All Applicants will be required to sign a release form.

1.6.6 INVESTIGATIONS

A. Criminal

1. Examinations will be used in conjunction with investigative leads and interviews of available witnesses.
2. When feasible, both the complainant and the accused may be tested to validate examination results.
3. One copy of the Truth Verification Release Form will be prepared for the examination file.
4. Legal requirements.
5. The voluntary nature of the examination must be carefully explained.
6. A signed waiver of Miranda Rights must be obtained prior to testing in custody persons only.
7. A signed Truth Verification Release Form must be obtained prior to testing.

B. Internal Investigations

1. Employees, sworn or professional staff, may be ordered to submit to an examination at the direction of the Chief of Police. Refusing to comply will result in disciplinary action up to and including termination.
2. Examinations will not be the sole determinant of the outcome of an internal investigation.
3. Civilian complainants and witnesses may be tested to aid in determining the veracity of their allegation or credibility as a material witness.
4. Examinations used in internal investigations must be scheduled by the Office of Professional Standards, the Chief of Police or his/her designee.

1.6.7 REQUESTING OFFICER RESPONSIBILITIES

A. Prior to the Examination

1. The requesting officer will contact the examiner directly.
2. The officer should plan to spend time with the examiner to provide information regarding the criminal investigation and identify the relevant issues that they hope to resolve with the exam.
3. The officer will not engage the subject in an intensive interview within 24 hours prior to an exam.
4. The officer will not explain the exam to the subject. It may be stated, however, that the exam is a tool used to verify that they are being truthful.
5. The officer will immediately notify the examiner if a cancellation occurs.

B. During the Examination

1. The officer will remain available until the exam is complete unless otherwise agreed to.
2. The officer should be stationed in the observation room (when available).
3. If a confession or admission is made, the examiner will attempt to take a written and signed statement.

1.6.8 EXAMINER RESPONSIBILITIES

A. General Duties

1. The Examiner will conduct examinations and evaluate the results.
2. The Examiner will ensure that each examination conducted meets all established criteria regarding procedural and ethical practices.
3. The Examiner will review examination reports, charts and other documents for completeness and accuracy.
4. Examiners will maintain polygraph equipment and supplies; they will conduct quarterly equipment evaluation to ensure the equipment is in proper working order.
5. Polygraph/CVSA meetings will be held as needed to discuss QC issues, concerns, trainings, etc.

B. Scheduling Examinations

1. Scheduling will be coordinated by the examiner's schedule.
2. Requests from outside agencies or departments may be accepted with approval of the examiner's supervisor.

3. No more than 2 (two) polygraphs/CVSA will be conducted per day, per examiner.
4. All polygraph/CVSA exams must be logged into the calendar prior to being conducted.

C. Prior to the Examination

1. The Examiner will review the available case information and determine if an exam is needed.
2. The Examiner will advise the subject of Miranda rights and obtain a signed written waiver in criminal cases where custody is an issue. A signed Truth Verification Release Form will also be completed before testing for the CVSA.
3. The Examiner will not conduct an examination in an investigation if the examiner has been extensively involved in the investigation.

D. During the Examination

1. The Examiner will conduct a pre-test interview.
2. The Examiner will conduct a post-test interview in the event deception is indicated during the exam unless an agreement is made with the requesting officer beforehand.
3. CVSA Examiners will obtain a second opinion on all exams. Polygraph examiners may obtain a second opinion based on the seriousness of the case. A quality control (QC) will be conducted on a regular basis by another polygraph examiner, who will blind score the tests and review questions.
4. The Examiner will use the following:

    a) Test Data Analysis
        1. Empirical Scoring System for specific issue testing.
        2. 3-point scale for Screening.

    b) Test Data Analysis Conclusions
        1. NDI (No Deception Indicated)/DI (Deception Indicated)/INC (Inconclusive) for specific issue testing.
        2. SR (Significant Response)/NSR (No Significant Response)/NO (No Opinion) for screening tests.

    c) Testing Techniques
        1. Specific Issue Testing – Zone Comparison Technique, AirForce MGQT, U-Phase or any approved APA (American Polygraph Association) technique.
        2. Screening-LEPET. (Law Enforcement Pre-Employment Technique)

E. Notification of Results

1. When a screening exam is completed, the Examiner will orally notify the requesting officer/person on the same day as the exam. The screening report will be completed and provided to the requesting person within 24 hours.
2. When a specific issue exam is completed, the examiner will orally notify the requesting officer on the same day as the exam. The specific testing report will be completed within 5 days of the examination and placed into the polygraph/CVSA file, along with all other paperwork and the audio/visual recording of the exam.
3. The forms to be utilized regarding Screening/Specific issue testing will be standardized and all polygraph/CVSA reports will be written in the same format.

F. Record-Keeping

1. The Examiner will maintain a file containing a Request/Release Form, Waiver of Rights, test results, copies of recorded examinations, and a copy of any confession or statement made by the subject for a period of five years.
2. The Examiner will maintain a Master Log including:

    a) All appointments made for persons to be tested. If an appointment is cancelled, state reasons.

b) All persons tested.
c) Each record shall be listed chronologically by date and time
d) Polygraph charts will be filed by incident number. In cases of exams requested by an outside agency, a control number will be assigned and filed as such.
e) The CVSA Examiner shall maintain a file containing the Waiver of rights, Voluntary Submission Form, CVSA chart and a statement of results in the appropriate case file.
f) The CVSA Examiner will keep a master log of all exams.
g) All charts, reports and documents will be maintained in such a manner to prevent access by unauthorized personnel. Release of this information will be authorized only by a court order, by order of the Chief of Police or his designated representative.

G. Training

1. It is the examiners' responsibility to stay abreast of changes in law concerning testing techniques and procedures. This can be accomplished through formal training, seminars, APA publications, legal updates, or other professional associations. The examiners should attend 40 hours of polygraph related training per year. All current/practicing polygraph examiners must maintain a membership in the American Polygraph Association.
2. All current/practicing CVSA Operators must maintain a certification through NITV (National Institute of Truth Verification).
3. Examiners must study and research to keep informed of current developments.

H. Discretion

1. Examiners will refrain from examinations that may compromise their integrity. Tests on relatives or close friends must be deferred to a neutral operator.
2. Examiners are not obligated to accept an order from a superior or governing authority that would cause a violation of professional standards or conduct an examination on a subject unsuitable for testing.
3. In the event the Examiner declines to administer an examination and the decision is questioned, a second opinion from a qualified examiner is recommended.

I. Polygraph Manager

1. The Recruiting Sergeant is designated as the polygraph/CVSA examiner manager.
2. This manager will be specifically responsible for the following:

a) Supervision of polygraph/CVSA examiners during any testing procedures, ensuring Quality Control is conducted in a timely manner.
b) Scheduling/Approving training for polygraph/CVSA examiners.
c) Requisition/Approval of necessary equipment.
d) It is recommended that at least one member of the Recruiting Unit be a certified CVSA/Polygraph examiner.

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

1.7.0 OBJECTIVE

To establish guidelines for administrative duty assignment.

1.7.1 DEFINITION

Administrative duty assignment positions include those involving clerical, administrative and other appropriate duties that are within the recommendations of the attending physician. Duties will be assigned at the discretion of the Specialized Services Bureau Commander.

Reasonable Accommodations: Any change in the work environment or in the way things are customarily done that would enable a qualified individual with a disability to enjoy equal opportunities.

1.7.2 ADMINISTRATIVE DUTY CATEGORIES

An employee may be placed on administrative duty for the following reasons:

1. An employee has a **work-related** injury or illness, which limits the employee's ability to perform his/her assigned job duties.
2. An employee has a **non-work related** injury or illness which limits the employee's ability to perform his/her assigned job duties.
3. An employee is under investigation for a serious violation of rules and regulations, General Orders, or Operating Procedures.

1.7.3 WORK RELATED INJURIES/ILLNESSES

Employees who are injured as a result of their employment with the department may be placed on administrative duty and assigned reasonable accommodations at the discretion of the Chief of Police with placement being made by the Specialized Services Bureau Commander. While on administrative duty, officers will adhere to the orders issued and the criteria placed upon them based on their situations and the reasonable accommodations made.

1.7.4 NON-WORK RELATED INJURIES/ILLNESSES

A. Guidelines

Employees who cannot return to normal duties because of short-term illness, injury or traumatic experience **not related to work** may request administrative duty assignment through the Chief of Police.

B. This type of administrative duty assignment is a privilege extended to department employees during periods of short-term disability.

C. The Police Department reserves the right to disapprove, assign, modify or terminate the assignment. The department will closely monitor this type of administrative duty assignment to prevent abuse or as otherwise deemed necessary, in the best interest of the department and the City of Fayetteville.

D. Request Procedures

1. All requests for Administrative Duty will be made in accordance with City of Fayetteville Policy #121.

1.7.5 RESTRICTIONS

A. Employees who receive administrative duty are required to abide by the parameters set within the orders issued to the employee.

B. Promotion / Transfer

1. Employees will not be promoted unless they are fully able to perform the duties and responsibilities of the new rank without restrictions.

2. Employees on administrative duty will not be eligible to transfer from their current duty assignment to another duty assignment until they meet full duty requirements unless approved by the Chief of Police.

C. Benefits

Administrative duty assignments will not affect employment anniversary dates, accrual of sick leave or other benefits associated with tenure.

D. Secondary Employment

Officers are prohibited from working secondary employment while on administrative duty status.

By Order Of: Kemberle Braden
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **1.8**
	Subject **NOTIFICATION OF POLICE OFFICER ASSAULTS AND DAMAGE TO CITY PROPERTY TO COURT OFFICALS**	**Effective Date** 07 November 2025
	Revised 08-4-89, 07-16-92, 02-25-02, 11-18-13	**Page** 1of 1
	CALEA Standard N/A	

1.8.0 OBJECTIVE

To establish procedures for reporting police officer/police department employee assaults and damage to City and/ or personal property incidents to the Court Liaison for use by the District Attorney's Office in criminal prosecution.

1.8.1 NOTIFICATION

A. If an officer charges a suspect with assault on a law enforcement officer, the officer may use his/her discretion as to completing the Assault on Police/Damage to City/Personal Property Form Number POL-303. The officer will complete a Criminal History/Records check on the suspect and attach this information to POL-303. Once completed this form will be submitted to the Court Liaison.

B. In the event personal property is damaged during the performance of official duties, the officer may complete Form POL-303 and have it reviewed by his/her supervisor. If City property is damaged during the performance of official duties, the officer will complete form POL-303 and have it reviewed by his/her supervisor. POL-303 must be completed to ensure the City or officer receives restitution. Once completed this form will be submitted to the Court Liaison.

C. If a civilian is assaulted, the civilian's supervisor is responsible for completing the Assault on Police or civilian/Damage to City/Personal Property Form Number POL-303. The supervisor will complete a Criminal History/Records check on the suspect and attach this information to POL-303. Once completed this form will be submitted to the Court Liaison.

1.8.2 COURT LIAISON RESPONSIBILITY

A. The Court Liaison is responsible for providing the District Attorney's Office with information concerning police officer assaults and damage to City property when requested.

B. The Court Liaison will gather all information concerning officer assaults and damage to City property and maintain the documents on file.

C. A copy of POL-303 will be placed in the Court shuck and/or provided to the District Attorney's Office.

D. The Court Liaison will enter all dispositions of these cases on Form POL-303.

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

1.9.0 OBJECTIVE

To establish guidelines for handling persons and materials contaminated with, or suspected of being contaminated with, a communicable disease.

1.9.1 GUIDELINES

A. The Police Department will safeguard, to the highest degree possible, department employees and the public who come in contact with people who have, or are suspected of having, a communicable disease, without sacrificing essential services to the community or individual citizens.

B. Employees are always responsible for treating people fairly and humanely. When handling or assisting persons with medical afflictions, employees bear the additional responsibility of being especially sensitive towards the person's condition and treating the person with the same dignity reserved for all people.

C. Information in records (e.g., test results) regarding an employee or arrestee with HIV/AIDS or other communicable disease is confidential. Disclosure of any information, except as required by law, must not be made without the express written consent of the person.

1.9.2 EXPOSURE TO COMMUNICABLE DISEASES

A. Bloodborne pathogen exposure occurs when a person's blood, bodily fluids, or other potentially infectious material transfers to another person's blood stream. This can occur in several ways:

1. Receiving an injury from a sharp object (e.g., accidental needle stick while searching people or places, broken glass with blood on it, a knife or razor that is contaminated, etc.).
2. Through human bites or through openings in the skin (e.g., cuts, sores, abrasions) which are exposed to blood or body fluids.
3. Contact with the mucus membranes such as the eyes, nose or mouth. (Fluids include: blood, saliva, tears, vomit, semen, vaginal secretions, urine and stool.)
4. The mere handling of an arrestee during the arrest process or during subsequent detention does not constitute an exposure. For the actual exposure to occur, at least one of the above conditions must be met.
5. Tuberculosis exposure can occur simply by being present in the vicinity where an infected person is or has been.

1.9.3 COMMUNICABLE DISEASE RESPONSE AND NOTIFICATION FOR THE BASIC LAW ENFORCEMENT TRAINING (BLET) ACADEMY

A. The Fayetteville Police Department Basic Law Enforcement Training (BLET) School Director and/or the Lieutenant assigned to oversee the Training Center shall serve as the BLET Academy's designated point of contact for communicable disease incidents.

B. In the event of a verified exposure to a serious communicable disease, the School Director and/or Training Cener Lieutenant shall coordinate with the City's Health & Safety Division, Risk Management, and the Cumberland County Health Department, as appropriate, to ensure compliance with applicable public health guidance and departmental procedures.

C. The School Director and/or Training Center Lieutenant shall ensure that all individuals identified as potentially affected by the exposure receive timely and appropriate information regarding:

1. The nature of the communicable disease and its associated signs and symptoms;
2. Methods for early detection and monitoring;
3. Populations or individuals who may be at increased risk;
4. Recommended prophylactic measures, including available vaccinations, when applicable;
5. Appropriate treatment options and procedures; and
6. Referrals to local healthcare providers, public health resources, or other appropriate agencies for evaluation and follow-up.

D. All notifications and response actions shall be conducted in accordance with applicable federal, state, and local laws, public health guidance, and City of Fayetteville policies governing privacy, confidentiality, and communicable disease reporting.

1.9.4 REPORTING PROCEDURES

A. An employee who believes he/she has been exposed to an infectious disease will:

1. Thoroughly wash the area with soap and hot water if direct personal contact was made.
2. Collect all information possible about the suspected infectious disease carrier and complete all necessary reports and applicable forms, keeping in mind the confidentiality policy.
3. Contact his/her supervisor immediately.
4. If an employee is off duty and acting in the line of duty and believes he has been exposed to an infectious disease, contact the supervisor on duty.
5. The employee's supervisor will be responsible for coordinating medical assistance and ensuring the completion of the Bloodborne Pathogens Exposure Incident Investigation Form and the Information to the Healthcare Professional Providing Evaluation for Bloodborne Pathogen Exposure Incident or the Tuberculosis Exposure Incident Investigation Form, whichever is applicable. The completed forms will be forwarded to the Specialized Services Bureau Office Assistant and the department's Health & Safety Committee Representative, along with a completed risk management packet, including an investigative summary, as outlined in City of Fayetteville Administrative Policy 415.
6. The completed risk management packet will then be forwarded to the Specialized Services Bureau Office Assistant and the Department's Health & Safety Committee Representative for review and signature. The Specialized Services Bureau Office Assistant will maintain records of each incident and will forward the originals to the Health & Safety Manager and Risk Coordinator. Health & Safety and/or Risk Management will coordinate any follow-up action, if warranted.

1.9.5 EXPOSURE AND BLOOD TESTS (SUSPECTS)

A. An employee who believes that he/she has been exposed to a communicable disease or blood borne pathogen (e.g., human bite, needle stick, splashes into the eyes, nose or mouth) will ask the suspected carrier to voluntarily submit to a blood test. If the suspected carrier consents to the test, the officer will contact his/her supervisor who will contact Concentra, and explain the nature of the potential exposure, the testing needed, and the location of the person to be tested. Concentra will collect the blood sample on-site where the suspected carrier is located (jail, police station etc.). The Contact number for Concentra is (910) 323-3184 during normal business hours and (910) 988-7614 during all other time periods. Officers shall provide security for the Concentra employees while the blood sample is being obtained.

B. If the suspect is arrested and refuses to consent to a blood test, the arresting officer shall notify the magistrate conducting the defendant's initial appearance of the potential exposure. This is in accordance with N.C.G.S. 15A-534.3 Detention for communicable diseases which states, "If a judicial official conducting an initial appearance or first appearance hearing finds probable cause that an individual had a nonsexual exposure to the defendant in a manner that poses a significant risk of transmission of the AIDS virus or Hepatitis B by such defendant, the judicial official shall order the defendant to be detained for a reasonable period of time, not to exceed 24 hours, for investigation by public health officials and for testing for AIDS virus infection and Hepatitis B infection if required by public health officials pursuant to G.S. 130A-144 and G.S. 130A-148".

C. The county health director has the authority to investigate transmission of communicable diseases and require individuals to be tested for communicable diseases. If the magistrate does not order the defendant held for testing or the suspect refuses to consent to a blood test, the officer or supervisor or watch commander shall notify the county health director of exposure and request the health director initiate an investigation.

D. The supervisor shall notify the Police Attorneys if the suspect refuses to consent to being tested.

E. The potentially exposed employee shall also comply with the provisions of City of Fayetteville Administrative Policy 401 (Communicable Diseases).

1.9.6 GENERAL PRECAUTIONS

1. Observe universal standard precautions and treat all body fluids as if they are potentially infectious.
2. Use a resuscitator mask when performing mouth to mouth resuscitation or CPR.
3. Disposable gloves, such as nitrile or latex, will be worn when handling body fluids, regardless of whether such fluids are wet or dry.
4. Wash hands thoroughly and immediately with hot water and soap following contact with blood or other body fluids. Hand washing is recommended even if gloves have been worn.
5. Bandage open wounds or cuts on hands to avoid direct contact with contaminated body fluids. Bandages should be changed if they become wet or soiled.
6. Use extraordinary care when conducting searches of suspects or vehicles. Never blindly place hands in areas where there may be sharp objects that could puncture the skin.
7. Employees who have been diagnosed as having leukemia or other forms of cancer, or who are taking medicine that suppresses the immune system should not enter areas where there are body fluids present or have contact with persons who have communicable diseases.

1.9.7 DETENTION OF PERSONS WITH COMMUNICABLE DISEASES

A. Persons with a communicable disease (or persons claiming to have a communicable disease) but who do not appear to need emergency care should be handled and transported according to present procedures. Jail personnel will be notified of persons claiming to have a communicable disease.

B. Persons in obvious need of medical attention will be transported to a medical care facility.

C. Persons who die while in the custody of the department will be examined by the Medical Examiner for infectious disease during the autopsy if any of the following conditions exist:

1. An officer was exposed to the person's body fluids.
2. When information indicates the person was a disease carrier.
3. When the person was an I.V. drug user.
4. The assigned detective will ensure that a specific request is made to the Medical Examiner for an infectious disease examination.

1.9.8 EVIDENCE HANDLING

A. Evidence or other materials coming into the custody of the Police Department and suspected of being contaminated should be treated with extraordinary care. **ALL CONTAMINATED ITEMS MUST BE PACKAGED.**

B. All materials contaminated with blood or other body fluids, whether wet or dry, will be handled with disposable gloves.

C. Hypodermic needles and other sharp objects will be packaged in puncture resistant containers. To prevent needle stick injuries, needles will not be capped, bent, broken, removed from syringe or otherwise manipulated by hand.

D. Packages containing contaminated items or items suspected of being contaminated will be clearly labeled. The warning **"BIOHAZARD"** will be prominently written on the outside of the packaging materials in such a fashion that anyone coming in contact with the item will be aware of the risk.

E. Packages containing evidence found during searches of body cavities (e.g., narcotics) will display on the outside of the package a note describing the location where the evidence was found. The note will warn subsequent evidence handlers of possible contaminated evidence.

1.9.9 DECONTAMINATION AND CLEAN-UP PROCEDURES

A. Wash hands thoroughly and immediately with hot soapy water. Hand washing is your best protection against infectious disease.

B. Uniforms or other clothing soiled with blood or other body fluids should be laundered in an extractor at one of the City's Fire Departments using the following City of Fayetteville Fire Department procedures:

1. Contaminated clothing should be changed as soon as possible and washed with normal detergent on a twenty-five (25) minute wash cycle at a temperature of 145 degrees. A Clorox 11-type substitute may be used in the cleaning of uniforms to reduce the fading possibilities.
2. Bloodborne contaminated or potentially bloodborne contaminated uniforms shall be discarded in one of the City Fire Department's biohazard waste container.

C. Body fluid stains in fabrics requiring dry cleaning should be diluted in cold water and placed in a clear degradable bag marked biohazard prior to cleaning.

D. Resuscitator masks and evidence collection equipment contaminated with blood or other body fluids should be disinfected after each use.

E. Vehicles contaminated by blood or other body fluids should be cleaned immediately following the person's release and prior to confining another arrestee in the contaminated vehicle.

F. Decontamination will be accomplished via the following procedures:

1. Use disposable gloves during any decontamination procedure.
2. Small items or equipment:

    a) Wash the item with soap and hot water and then rinse thoroughly.
    b) Soak item in a solution of water and household bleach for 10 to 15 minutes. Use a concentration of 1 to 1.5 cups of bleach for each gallon of water. Rinse with water and air dry.
    c) Resuscitation masks should be resealed in a plastic bag and returned to the patrol vehicle.
    d) Patrol cars rear plastic seats, if contaminated, should be cleaned with a bleach solution.

3. To decontaminate large areas (e.g., floors, vehicles), disinfect with the bleach and water solution and then clean with soap or detergent.
4. Boots and leather goods may be brushed/scrubbed with soap and hot water to remove contamination; the soles of boots should be washed if you step in body fluids.

1.9.10 DISPOSAL OF EVIDENCE AND OTHER CONTAMINATED ITEMS

A. Disposable surgical gloves, clothing and other contaminated items must be disposed of properly to minimize the risk of infection.

1. Contaminated items will be packaged in two plastic bags (double bagging), sealed with tape (no staples) and then labeled with a **"BIOHAZARD"** warning.
2. All contaminated materials will be periodically burned, destroyed and/or disposed of by authorized means, when legally permissible, at a designated facility.

a) Evidence Personnel will coordinate the disposal. The Forensic Manager or his designee may coordinate the disposal of contaminated materials within their immediate control.
b) The disposal / destruction of contaminated materials having no evidentiary value but are closely associated with items of evidence will be documented in the Forensic Technicians supplemental report.

3. The Forensic Manager shall, from time to time, promulgate standard operating procedures to supplement this OP for employees working in the Forensic Unit, for the appropriate handling and disposition of potentially contaminated materials to ensure departmental compliance with crime lab standards.
4. The Technical Services Division Captain shall, from time to time, promulgate standard operating procedures for employees working in Evidence, for the appropriate handling and storage of contaminated items of evidence.

B. Preservation of Biological Evidence: N.C.G.S. 15A-268 mandates the preservation of biological evidence, as defined by N.C.G.S. 15A-268(a). All personnel shall comply with the provisions of N.C.G.S. 15A-268.

C. All biological evidence must be preserved to avoid contamination of the evidence as well as minimize the danger from any infectious material. Evidence personnel shall coordinate with the Forensic Manager to ensure infectious biological evidence is stored safely and appropriately.

D. If, in the opinion of the Forensic Manager or Technical Services Division Captain, the retention of contaminated evidence is too inherently dangerous, they shall notify a Police Attorney, who can seek a court order for disposal of the evidence.

1. Prior to the Police Attorney seeking a court order, the Forensic Manager and Technical Services Captain shall provide a written report to the Police Attorney setting out why the evidence in question is too dangerous to preserve, for use in seeking a court order.

1.9.11 PROPER HANDLING OF SHARPS

A. Sharps means: any object contaminated with a pathogen or that may become contaminated with a pathogen through handling or during transportation and capable of cutting or penetrating skin or packaging material. Sharps include needles, syringes, scalpels, broken glass, culture slides (glass), culture dishes (glass), broken capillary tubes, broken rigid plastic, and exposed ends of dental wires.

B. Employees should not use bare hands to move or handle SHARPS. Employees should use Personal Protective Equipment or other items to prevent contact. Some possibilities are: cut resistant gloves, a long-handled object, tongs, grasper, stick, dustpan, shovel or rolled up paper to push or move the SHARP into a SHARPS container.

C. SHARPS must be transported in a SHARPS container. In the event a SHARPS container is not available, the employee **must contact their supervisor for guidance** to transport the object.

D. If an employee is exposed to BBP as a result of contact with a SHARP, the following information must be included in the Risk Management folder-Brand Name of SHARP and TYPE of SHARP (a simple description like in #1 above)

1.9.12 UPDATED INFORMATION

A. New information is obtained by the medical community of communicable diseases continuously. Updated information will be provided to all police personnel through the appropriate medium.

B. The Training and Education Center will timely disseminate new information pertaining to communicable diseases and the handling of persons verified as having or who are suspected of having communicable diseases.

1.9.13 REFERENCES

N.C.G.S. 15A-268	Preservation of biological evidence
N.C.G.S. 15A-534.3	Detention for communicable diseases
City of Fayetteville Administrative Policy 401	Communicable Diseases
City of Fayetteville Administrative Policy 415	Illness and Injury Investigation, Reporting, and Review
CALEA Law Enforcement	N/A
CALEA Communications Standards	N/A
CALEA Training Academy Standards	2.2.7

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

1.10.0 OBJECTIVE

To establish procedures to facilitate the recruitment and selection of the most capable and committed individuals to fill full-time and part-time professional staff vacancies within the Fayetteville Police Department (FPD). All part-time professional staff positions are subject to the same recruitment and selection process as full-time professional staff positions.

1.10.1 EQUAL EMPLOYMENT OPPORTUNITY

The City of Fayetteville strives to ensure that all individuals will be given equal opportunity for employment regardless of race, sex, creed, color, age, religion, national origin, or physical impairment. The City of Fayetteville's Human Resource Development (HRD) maintains the city-wide plan for equal employment opportunity. All advertisements and employment applications will indicate that the City of Fayetteville is an Equal Opportunity Employer. All City/Department literature will bear the words: **An Equal Opportunity Employer.**

1.10.2 DEFINITIONS

A. Applicant – Any person who applies or makes formal application for employment.

B. Candidate – Persons seeking employment who meet the minimum requirements of the agency and have completed a formal application.

C. Human Resource Development (HRD) Liaison – The Police and Administrative Specialist, each Bureau Administrative Assistant will act as the HRD Liaison and will coordinate all communications between the Police Department and the City of Fayetteville HRD as it relates to professional staff recruitment and selection.

D. Hiring Manager – The respective supervisor or commander responsible for coordinating the recruitment and selection process through HRD and the Police HRD Liaison.

1.10.3 RECRUITMENT PROCESS

A. Recruitment and Application Screening

Upon receiving notice of a professional staff resignation or an existing vacancy, the respective Hiring Manager, will contact the respective HRD Liaison to coordinate the entry of the requisition by HRD in the online applicant tracking system. The request must include the following information or activities:

1. Position vacant date
2. Number of vacancies
3. Hiring Managers, Police HRD Liaison and HRD Recruitment Staff
4. Incumbent or former incumbent's name
5. If position is pending a resignation, a copy of the letter of resignation of the incumbent employee must be submitted with the request attached.
6. A review of the job class specification must be conducted to ensure that it is accurate so the posting will accurately depict the duties, responsibilities, requisite skills, educational level, and other minimum qualifications or requirements.
7. Elements of the selection process to include interviews, tests or other selection activities
8. Posting type and duration (internal, external or both)
9. Advertising type

10. Supplemental Questions as desired by department.

HRD will coordinate the posting and advertising to announce the vacancy. The request must be received by noon on Wednesday of each week in order to be posted by the following week. HRD will create minimum supplemental questions that will include experience, education and other job requirements/preference of the position. Department approval of a requisition is not required in the online applicant tracking system. HRD will forward all applications identified by a person ID number to the appropriate hiring manager for review and selection. using the online applicant tracking system.

The hiring manager will contact HRD regarding which applicants they want to interview providing the applicants person ID number. HRD will complete a minimum qualification review and contact applicants who need to complete employment continuation forms for gaps of employment. Once HRD has completed their review and determined who is eligible for interview, contact information for applicants will be made available so interviews can be scheduled by the department.

1.10.4 ANNOUNCEMENTS AND PUBLICITY

A. HRD and the Police Department will determine how the position will be advertised. Traditionally, vacancy announcements are available on the City's web site. HRD is responsible for coordinating with other community service organizations to have the City's web link posted on other organization sites, as well as, Internet recruitment resources to achieve a broader dissemination and greater exposure of the recruitment information.

B. The vacancy posting will include all elements of the selection process and the expected duration of the process. The expected duration of the process will differ depending upon the type of position vacancy that is being filled and the activities included in the process. All steps must be considered in identifying how long the process should reasonably take. Generally, the process should not exceed two weeks from receipt of the applications from HRD to final selection when filling a position that does not require any tests or other activities. Supervisors are responsible for adhering to the timeline for final selection as posted in the vacancy announcement.

C. The City's policy on re-application is located on the City's main job page and states: Applicants not selected for a position may re-apply via a new application for other current vacancies or future vacancies for which they qualify. Deadlines will be emphasized on all advertisements for professional staff positions.

1.10.5 INTERVIEW PROCESS

A. The HRD Liaison will coordinate with the hiring manager to identify dates/times to schedule interviews. Once dates and times are established the HRD Liaison will schedule interviews and the date and time for each qualifying applicant must be entered into the online applicant tracking system. Interviews will be conducted to assist in identifying the most qualified applicant for the vacant position. Supervisors will conduct interviews with a minimum of three persons sitting on the interview panel.

B The hiring manager or designee will be responsible to provide the HRD Liaison a copy of the interview questions, individual and consensus scoring sheets as to prepare copies for the interviews.

C. The hiring manager will maintain interview questions/notes & scoring sheets for all candidates that were interviewed. The hiring manager will provide the HRD Liaison all hiring process documentation so that the online applicant tracking system can be updated with the appropriate status.

1.10.6 SELECTION PROCESS

A. HRD is responsible for coordinating with the police department to ensure that all elements of the selection process for all positions be administered, scored, evaluated and interpreted in a uniform manner within the classification.

B. Elements and Activities of the Selection Process:

For some positions, job related screening processes are utilized as part of the selection process. These processes include but may not be limited to:

1. Typing test
2. Ethics/Integrity surveys
3. Research or written project
4. PowerPoint presentation – topic specific
5. Other job related function or task type exercises

C. If an applicant has met the minimum qualifications for the job and has completed any required pre-screening process as outlined above, HRD will make a conditional offer of employment to the applicant. The conditional offer will be contingent upon a complete background check, drug test and the administration of a polygraph/Computer Voice Stress Analysis (CVSA) examination (if applicable). No offers of employment are guaranteed until a final offer of employment is rendered.

1.10.7 BACKGROUND INVESTIGATION

A. The Office of the Chief, Police Administrative Specialist or designee will create an applicant hire packet and utilize police form POL-503, Professional Staff New Hire, Reinstated Hire Packet form to stay consistent in the coordination of the background investigation. Personnel used to conduct background investigations must be trained in collecting required information.

B. The background investigation hire packet will contain the following:

1. Professional Staff New Hire, Reinstated Hire Packet form, POL-503
2. Personnel Action Form (PAF)
3. Candidate Application
4. COF Employment Continuation form (if applicable)
5. COF Criminal Background Check Self-Disclosure form
6. COF Authorization to Release Information form
7. FPD Criminal Record Request form, POL-734
8. TLO Comprehensive Report
9. COF Reference Check Forms
10. Consent to CVSA Examination
11. CVSA Examiner Report and Charts
12. Pre-Employment CVSA Questionnaire
13. FMRT Group Post-Conditional Offer Psychological Evaluation (Communications Only)
14. NC Department of Justice Medical Examination Report Form F-2 (Communications Only)

C. Prior to selecting a candidate for employment, the respective hiring manager or designee must review the background investigation in its entirety that is contained in the hire packet.

D. All positions with the COF require a pre-employment drug screen to be scheduled and coordinated by HRD. All selection materials must be stored in a secure manner by HRD, the HR Liaison, or Hiring Manager coordinating the selection process.

1.10.8 FINAL RECOMMENDATION FOR EMPLOYMENT

A. Once the background investigation has been reviewed in its entirety, by the hiring manager, he/she is responsible for obtaining appropriate final hire recommendations/signatures on form POL-503. The final hire packet should be submitted to the Office of the Chief, PD Administrative Specialist or designee so a final hire recommendation can be made by the Chief of Police, or his/her designee.

B. Upon final approval from the Chief of Police, the PD Administrative Specialist or designee will be responsible for emailing HRD to offer applicant a firm job offer, updating the online applicant tracking system and providing HRD with appropriate original documentation from the final hire packet. A copy should be made of any original documents provided to HRD for the hire packet. HRD will be

responsible for contacting the candidate to give a firm job offer and to provide the candidate with an official offer letter.

C. Once the candidate has been given a firm offer and started employment, the PD Administrative Specialist or designee will be responsible for scanning documents (excluding DCI print outs) for archival purposes and providing Internal Affairs Unit with the original hire packet so that an employee personal file can be created.

1.10.9 CANDIDATES NOT SELECTED FOR EMPLOYMENT

Once the selection process is completed all recruitment materials for non-selected candidates will be returned to HRD by the Police Administrative Specialist or designee to include:

1. Application
2. Background release form
3. Background check information if any
4. Interview questions and the candidate response to those questions
5. Any other selection activities conducted and the performance of the candidate on those activities
6. Reference check form

1.10.10 APPOINTMENT

All newly appointed professional staff employees will receive information during the City's new employee orientation or the police department's civilian employee orientation on the following:

1. The agency's role, purpose, goals, policies, and procedures
2. Working conditions and regulations
3. Responsibilities and rights of employees.

New professional staff employees will also be given a New Hire In-Processing Packet by the Police Department's Personnel Technician and will contain:

1. FPD In-Processing Form POL-121
2. Employee Biographical Data Form
3. Shift Acknowledgement
4. Parking Decal Request Form
5. AOC-A152 LE Security Approval Form
6. PowerDMS User Guide
7. COF Tobacco Use Policy #410
8. COF Department Orientation Checklist
9. COF On-Boarding Acknowledgement Form

1.10.11 REFERENCES

POL-503	Professional Staff New Hire/Reinstated Hire Packet
POL-121	Fayetteville Police Department In-Processing Form
OP 1.6	Computer Voice Stress Analyzer (CVSA) and Polygraph Examinations
USDOL	Employee Polygraph Protection Act

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **1.11**
	Subject **INCIDENT NOTIFICATION PROCEDURES**	**Effective Date** 29 April 2024
	Revised 04-23-13, 05-05-13, 01-05-15, 07-07-22, 03-23-23, 03-31-23	**Page** 1 of 2
	CALEA Standard 11.3.3	

1.11.0 OBJECTIVE

To establish guidelines for the Fayetteville Police Department's incident notification procedures.

1.11.1 DEFINITION

A. Executive Staff - the Department's Executive Staff is comprised of the Chief of Police, Assistant Chiefs of Police, Majors, Administrative Services Manager, and Police Attorneys.

B. Command Staff - the Department's Command Staff is comprised of the Chief of Police, Assistant Chiefs, Majors, Captains, Police Attorneys, Communications Manager, and the Administrative Services Manager.

C. Police Infrastructure - the basic, underlying framework of the Department, such as the information technology network, communication systems, and building maintenance.

D. Timely Notification – a notification sent as soon as a Lieutenant or higher arrives on scene, and following immediate scene control, can provide details needed for the notification to be disseminated.

E. Administrative Notifications – a notification for all incidents as described in section 1.11.2.

1.11.2 ADMINSTRATIVE NOTIFICATIONS

The purpose of initiating notifications utilizing the Everbridge system is to allow for the timely notification and response of specific units, personnel, and the chain of command simultaneously, allowing the notification initiator to maintain control of the crime scene instead of being burdened with administrative tasks during potentially rapidly evolving crime scenes.

The on duty Lieutenant or higher will be required to initiate an Everbridge notification **once on scene** to the following groups, units, or personnel as described for the following incidents:

1. Homicide: (Notify Command Staff, Homicide Unit, and PIO)
2. Any type of assault where the victim is suffering from **life threatening gunshot wound**. Notifications for self-inflicted injuries are not required. (Notify Command Staff, Aggravated Assault Unit, and PIO).
3. Traffic Fatalities. (Notify Command Staff, Traffic Unit, and PIO)
4. Amber alerts initiated by the Fayetteville Police Department. (Notify Command Staff, Youth Services Unit, and PIO).
5. Silver Alerts initiated by the Fayetteville Police Department. (Notify Command Staff, Human Trafficking Unit, and PIO).
6. Use of Force resulting in serious injury to a suspect. (Notify Executive Staff, Employee's chain of command all the way through the Chief of Police and Internal Affairs)
7. Sexual Assault involving an **unknown** suspect. (Notify Command Staff, PIO and SVU)
8. Barricaded subjects and/or Hostage situations. (Notify Command Staff, ERT, Crisis Negotiators, and PIO).
9. Officer Involved Shootings. (Notify Command Staff, Homicide Unit, Internal Affairs, and PIO).
10. Any identified crime trends. (Notify Command Staff and PIO).
11. Any incident which could bring significant media coverage. (Notify Command Staff and PIO).

1.11.3 NOTIFICATION FORMAT

A. All notifications will be entered using the templet flow list. The notification should be in paragraph form like the below listed example. The templet flow list will assist with entering the needed information in a consistent order and the templet flow list should not be left in the notification.

a) Templet Flow List

1. Incident: *(associated crime or type of call for service)*
2. Time/Date*: (provides ability to research the incident for follow-up)*
3. Address/District/Sector: *(District, Sector, and Address of incident*
4. OCA#: *(provides ability to research the incident for follow-up)*
5. Victim Status: *(deceased, serious injury location)*
6. Offender Status*: (known, unknown, deceased…etc.) and location if known*
7. Additional Info: *(free text of any additional information pertinent and not included above)*
8. Notifications: *(what assets or resources have been contacted to assist with the incident i.e. Traffic Unit, Homicide, Agg Assault, PWC, etc.)*
9. POC: *(Lieutenant or Higher **on scene** and phone number)*

Example:

Shooting. Occurred at 13:23 hours. at four three three Hay Street, in the Campbellton District, Delta Sector. O.C.A# 2024-00000. The victim is currently being transported by E.M.S. The suspect is a white male, last seen wearing all black, armed with a gun. The suspect left on foot, with an unknown direction of travel. Aggravated Assault is on scene, and the point of contact is Lieutenant Jones, at 910-433-1911.

The following "polling" options will be used for each notification:

1. Acknowledge Receipt *(Response Option 1)*
2. Will be responding *(Response Option 2)*

B. Do not include other details that create unnecessary delay for getting the notifications out, timely notifications are paramount to ensure the proper units and resources are responding and available. Sergeants are not authorized to send notifications. The Communications Center supervisors have access to the Everbridge system and should only be utilized during **extreme** situations. All efforts should be made for an on-duty Lieutenant or higher to be physically at the scene to initiate a notification to help ensure accurate information is obtained and available.

By Order Of: Kemberle Braden, Chief of Police
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **1.12**
	Subject **CHAIN OF COMMAND REVIEW BOARD**	**Effective Date** 12 July 2022
	4-8-16, 01-04-18	**Page** 1 of 1

This Operating Procedure was rescinded on July 12, 2022.

By Order Of: Gina V. Hawkins
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **1.13**
	Subject **ACCESS TO LAW ENFORCEMENT RECORDINGS**	**Effective Date** 7 November 2025
	11-08-16, 07-19-21, 04-25-22	**Page** 1 of 3
	CALEA Standard N/A	

1.13.0 OBJECTIVE

To establish a procedure for responding to requests for law enforcement recordings by the public in accordance with N.C.G.S. 132-1.4A. Recordings (as defined below) **are not** public records.

1.13.1 DEFINITIONS

Body-worn camera. – An operational video or digital camera or other electronic device, including a microphone or other mechanism for allowing audio capture, affixed to the uniform or person of law enforcement agency personnel and positioned in a way that allows the camera or device to capture interactions the law enforcement agency personnel has with others.

Custodial law enforcement agency. – The law enforcement agency that owns or leases or whose personnel operates the equipment that created the recording at the time the recording was made.

Fleet In-Car Camera (Dashboard Camera). – A device or system installed or used in a law enforcement agency vehicle that electronically records images or audio depicting interaction with others by law enforcement agency personnel. This term does not include body-worn cameras.

Disclose or disclosure. – To make a recording available for viewing or listening to by the person requesting disclosure, at a time and location chosen by the custodial law enforcement agency. This term does not include the release of a recording.

Personal representative. – A parent, court-appointed guardian, spouse, or attorney of a person whose image or voice is in the recording. If a person whose image or voice is in the recording is deceased, the term also means the personal representative of the estate of the deceased person; the deceased person's surviving spouse, parent, or adult child; the deceased person's attorney; or the parent or guardian of a surviving minor child of the deceased.

Recording. – A visual, audio, or visual and audio recording captured by a body-worn camera, a dashboard camera, or any other video or audio recording device operated by or on behalf of a law enforcement agency or law enforcement agency personnel when carrying out law enforcement responsibilities. This term does not include any video or audio recordings of interviews regarding agency internal investigations or interviews or interrogations of suspects or witnesses.

Release. – To provide a copy of a recording.

Serious bodily injury – A bodily injury that creates a substantial risk of death, or that causes serious permanent disfigurement, coma, a permanent or protracted condition that causes extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ, or that results in prolonged hospitalization.

1.13.2 REQUESTS TO DISCLOSE LAW ENFORCEMENT AGENCY RECORDINGS

A. All requests to view, listen, or otherwise have access to any recording in the custody of the Fayetteville Police Department must be made in writing to the Chief of Police. The request must include the date the recording was made and the approximate time of the recording. If a request is made to view a recording that depicts a death or serious bodily injury, the requester will be directed to fill out AOC form: AOC-CV-275. This form is available online at nccourts.org N.C.G.S. 132-1.4A(b1), (b2). The head of the custodial law enforcement agency shall not disclose in the case of a recording depicting death or serious bodily injury unless ordered to do so by a Court upon a request and petition pursuant to N.C.G.S 132-1.4A(b3). The head of the custodial law enforcement agency may only disclose a recording to the following:

1. A person whose image or voice is in the recording.
2. A personal representative of an adult person whose image or voice is in the recording, if the adult person has consented to the disclosure.
3. A personal representative of a minor or of an adult person under lawful guardianship whose image or voice is in the recording.
4. A personal representative of a deceased person whose image or voice is in the recording.
5. A personal representative of an adult person who is incapacitated and unable to provide consent to disclosure.

B. A copy of the request will be sent to the FPD Legal Division as well as the Internal Affairs Unit Commander for review.

C. The Chief of Police will, as promptly as possible, but no later than three business days of the notarized request for "Immediate Disclosure" being received by the Department, determine whether or not to permit the requesting party to view the recording, and shall notify the requestor of the decision. If the Chief elects not to disclose the recordings, the reason for the denial will be in writing. See N.C.G.S. 132-1.4A (b1), 132.14A (b2), and 132.14A (b3) for further guidance.

D. In determining whether to permit the requestor to view the recording, the Chief should consult with the Police Attorney and shall consider the following factors:

1. If the person requesting disclosure of the recording is a person authorized to receive disclosure pursuant to N.C.G.S. 132-1.4A.
2. If the recording contains information that is otherwise confidential or exempt from disclosure or release under State or federal law.
3. If disclosure would reveal information regarding a person that is of a highly sensitive personal nature.
4. If disclosure may harm the reputation or jeopardize the safety of a person.
5. If disclosure would create a serious threat to the fair, impartial, and orderly administration of justice.
6. If confidentiality is necessary to protect either an active or inactive internal or criminal investigation or potential internal or criminal investigation.

E. If the Chief approves the recording to be shown, the IAU commander will immediately contact the person requesting to view the video and schedule a time for the viewing. The IAU Commander shall notify the Police Attorney/s of the time and place of the viewing.

F. At the viewing, the Department shall only disclose those portions of the recording that are relevant to the person's request or portions ordered by the court.

G. Cell phones or other electronic devices that could be used to copy or otherwise record the recording must be left outside of the room in which the viewing is taking place. The recording or copying any part of the law enforcement recording is prohibited by law. Any person attempting to do so is subject to arrest and prosecution as well as any civil remedies available for such act.

1.13.3 REQUESTS TO RELEASE LAW ENFORCEMENT RECORDINGS

A. TO THE PUBLIC: Law Enforcement agency recordings shall only be released to the public pursuant to court order. The Chief of Police may authorize the filing of a petition in the superior court of Cumberland County for an order releasing the recording to the public or to specific persons. If a petition to release a custodial law enforcement recording is received it should be immediately forwarded to the attention of the FPD legal division.

B. TO THE DISTRICT ATTORNEY: The Department shall disclose or release recordings to the District Attorney:

1. for review of potential criminal charges,

2. in order to comply with discovery requirements in a criminal prosecution,
3. for use in criminal proceedings in district court, or
4. any other law enforcement purpose

C. TO ANY OTHER ATTORNEY: No member of the Department is authorized to disclose, display, or otherwise provide access to any law enforcement recordings to civil, defense, or other attorneys outside the Department. All such requests shall be referred to the District Attorney's Office or to the Department's designated legal advisor for appropriate review and response.

Unauthorized release or dissemination of law enforcement recordings may constitute a violation of Department policy and may result in disciplinary action up to and including a dismissal.

D. OTHER PERMITTED RELEASE: The Department may disclose or release a recording for any of the following purposes:

1. For law enforcement training purposes.
2. Within the custodial law enforcement agency for any administrative, training, or law enforcement purpose.
3. To another law enforcement agency for law enforcement purposes.
4. For suspect identification and apprehension.
5. To locate a missing or abducted person.

E. TO DEFENDANTS: Criminal defendants in district court cannot compel the release of recordings governed by N.C.G.S. 132-1.4A through a subpoena. The exclusive procedure for obtaining release of these recordings is through, "an action in the superior court in any county where any portion of the recording was made".

F. The following persons and/or their designated representative shall be noticed if a petition for release for law enforcement agency recordings is filed.

1. The head of the custodial law enforcement agency,
2. Any law enforcement agency personnel whose image or voice is in the recording and the head of that person's employing law enforcement agency, and
3. The District Attorney.

1.13.4 REFERENCES

N.C.G.S.	132-1.4A (Law Enforcement Agency Recordings)
OP 3.24	Law Enforcement Recordings
OP 5.6	Case Management System
OP 9.7	DWI Enforcement

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

1.14.0 OBJECTIVE

To establish standard policies for the effective routing and management of contracts originating from within the Fayetteville Police Department.

1.14.1 DEFINITIONS

Contract – Any agreement or understanding between the City of Fayetteville and an outside entity requiring the performance of some duty by one or more of the parties.

Department and another entity, the terms of which do not include the payment of money. (Mutual Aid Agreements and Memoranda of Understanding will fall into this category.)

Monetary Agreements - Any contract between the City of Fayetteville/Fayetteville Police Department and another entity, the terms of which include the payment of money.

Originator – Employee of the Fayetteville Police Department who negotiates and wants to enter into a contract.

Contractor – Person or other entity with whom the City of Fayetteville/Fayetteville Police Department has a contract.

1.14.2 AUTHORITY TO SIGN

A. Non-monetary Agreements can be signed by the Chief of Police.
B. Monetary Agreements must be signed by the City Manager or designee.
C. However, Monetary Agreements may be signed by the Chief of Police if the contract is a:

1. Service Contract involving money between $1-$4,999; or,
2. Purchase Contract involving money between $1-$4,999; or
3. Purchase Contract involving money between $5,000-$29,999 if included in the original budget.

1.14.3 CONTRACT ROUTING

All monetary agreements must be electronically routed. However, contracts in the Electronic City Contract Routing System CANNOT be edited; therefore, all contracts must be reviewed and corrected by the interested parties and the Legal Department prior to routing. FAILURE TO DO THIS CAN RESULT IN THE CONTRACT BEING **REJECTED** DURING ROUTING.

1.14.4 CONTRACT ORIGINATION

Personnel wishing to enter into a contract should either draft or obtain a draft agreement containing all the terms and conditions of the proposed contract and provide it to the Police Attorney's for review. The draft contract should be in an editable word document in which the Police Attorney can make revisions and provided to the Police Attorney's Paralegal who will direct it to the appropriate attorney. If no revisions are needed, the Police Attorney will notify the originator that the contract is acceptable and the originator can have the contract entered into the City of Fayetteville's electronic contract routing system.

If the Police Attorney determines that revisions are needed to the contract, he or she will contact the originator and provide information and/or draft revision language. The originator is responsible for communicating the needed changes to the contractor. If the contractor refuses to accept the Police Attorney's changes, the Police Attorney will attempt to work out a satisfactory result with the

contractor. If the Police Attorney and the contractor cannot agree on language, the Police Attorney is required to meet with the originator and the Chief of Police (or his designee) to explain the Police Attorney's concerns. The Chief of Police shall have the final authority to and shall make the final determination whether to approve the contract for routing over the Police Attorney's objections.

The Police Attorneys will periodically publish a list of standard terms and conditions that generally need to be included in all contracts. Contract originators should provide these standard terms to proposed contractor, and should attempt to have them included in the initial draft of the contract.

1.14.5 TIMING AND DEADLINES

Draft contracts shall be provided to the Police Attorneys for review not less than 10 business days (two weeks) prior to any deadline to BEGIN electronic routing. The Police Attorney will complete his or her initial review of the draft contract and provide feedback or approval as necessary within 5 business days (one week) of receiving the draft contract. The extra week provides the originator time to return to the contractor with any feedback/corrections necessary.

In case of an emergency, when a contract review needs immediate attention, the originator shall notify the Assistant Chief for the Administrative Bureau, who shall determine if expedited contract review is required. The Chief of Police or the Assistant Chief for the Administrative Bureau shall have the sole discretion to determine whether expedited review of the draft contract is appropriate.

Upon notification from the Chief of Police or the Assistant Chief for the Administrative Bureau that expedited review of a draft contract is necessary, the Police Attorney will complete his or her initial review of the draft contract and provide feedback or approval to both the originator and Assistant Chief within 24 hours.

1.14.6 NON-MONETARY AGREEMENTS

Non-monetary agreements (such as mutual aid agreements or memoranda of understanding) do not have to be routed through the City of Fayetteville's electronic contract routing system. A request for a non-monetary agreement shall be sent to the Police Attorneys though the paralegal. The Police Attorneys will review (or draft if needed) such an agreement, and provide it for signature as quickly as feasible.

1.14.7 MAINTENANCE AND ARCHIVAL

The Senior Administrative Assistant will forward all original and electronic contracts to the City Clerk, in addition a copy will be provided to the Paralegal for record keeping. All contracts will follow the North Carolina Records Retention and Disposition Schedules which can be found at http:// archives ncdcr.gov/For-Government/Retention-Schedules.

By Order Of: Anthony D. Kelly
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **2.1**
	Subject **RECRUITMENT AND SELECTION**	**Effective Date** 6 February 2026
	Revised 02-12-88, 04-03-92, 01-06-98. 02-25-02, 06-24-02, 02-07-03; 01-26-07,11-29-07, 3-3-08, 2-3-11, 12-15-11, 3-25-14,5-30-17, 08-09-18	**Page** 1 of 5
	CALEA Standard 31.4.1, 31.4.3, 33.8.4	

2.1.0 OBJECTIVE

To establish procedures to facilitate the recruitment of the most capable and committed individuals for the position of Police Officer in the Fayetteville Police Department (FPD).

2.1.1 RESPONSIBILITY

A. Chief of Police

1. Ensure full FPD support of the recruitment effort.
2. Ensure full FPD compliance with the City Equal Employment Opportunity Plan.
3. Ensure the FPD provides city personnel with recommendations, assistance, support, and actively participates in recruitment and selection.

B. Recruitment Supervisor

1. The Recruitment Supervisor is responsible for the FPD's recruitment process.
2. The Recruitment Supervisor will ensure that recruiters work closely with Human Resources Development (HRD) on all phases of recruiting.
3. Ensure staff receive training in Equal Opportunity Employment.
4. Ensure contact is maintained and documented with applicants periodically throughout the hiring process.

C. City Personnel

1. The HRD and the FPD will maintain an active recruitment campaign in order to have the most capable and committed candidates available to fill actual or foreseeable departmental vacancies for the position of Police Officer.
2. HRD, in cooperation with the Recruitment Supervisor, is responsible for recruiting the most capable and committed persons available.
3. HRD, in cooperation with the Recruitment Supervisor is responsible for maintaining contact with applicants from initial application to final employment disposition.

2.1.2 EQUAL EMPLOYMENT OPPORTUNITY AND RECRUITMENT

A. Specialized Services Bureau Commander/Recruitment and Training will develop and maintain a Recruitment Plan for full-time sworn personnel. The plan will outline agency steps to achieve the goal of an ethnic, racial, and gender workforce composition in the sworn law enforcement ranks in approximate proportion to the makeup of the available workforce in the service community. The plan will include:

1. A statement of objectives.
2. A plan of action designed to achieve the objectives.
3. Identification of employees, inside or outside the agency, responsible for plan administration.

B. The Recruitment Supervisor will prepare an annual analysis on the recruitment plan and shall include:

1. Progress toward stated objectives.
2. Revisions to the plan or a recommendation that based on the analysis and strategies in place no revisions are needed.
3. The analysis will include the CALEA data table entitled "Sworn Officer Selection Activity" to document the data reviewed for conducting the analysis.

C. Human Resource Development (HRD) maintains the citywide plan for equal employment opportunity. These plans establish the following:

1. Measurable Objectives.
2. Timetables.
3. Plans of action to correct inequities.
4. Evaluation Plan.

2.1.3 STRATEGIES

A. The FPD recruiting strategy includes:

1. Recruiting at North Carolina colleges and universities that have Criminal Justice Programs.
2. Involving the entire FPD in the recruitment effort.
3. Utilizing the media to reach the most capable and committed applicants.
4. Utilizing the faith community to refer candidates.
5. Utilizing college and high school career days to promote the FPD to future applicants.
6. Advertising with out of state colleges or universities that have expressed interest in the FPD's attendance at career days.
7. Maintaining actual strength as close as possible to authorized strength.
8. Maintaining an active recruitment banner and link on the FPD Website.
9. Strengthen recruitment efforts by targeting transitioning members from the Armed Forces.

B. Utilization of FPD Personnel for Recruiting

1. The FPD will utilize all officers as recruiters. Officers are in daily contact with many individuals from all parts of the community and are spokespersons for the FPD's recruiting effort.
2. FPD personnel are actively involved in recruitment activities and will be briefed by the Recruitment Supervisor on personnel matters, especially the Equal Employment Opportunity goals.
3. Officers wishing to recommend an individual for hire should provide the individual's name, address, phone number, and date of birth to the Recruitment team.

C. Cooperative Assistance

HRD and the FPD will seek assistance from the following included, but not limited to organizations to aid in the recruitment of police applicants:

1. Fayetteville State University, Methodist University, and Fayetteville Technical Community College.
2. Other universities and community colleges that offer Criminal Justice or Basic Law Enforcement Training Curriculum.
3. North Carolina Employment Security Commission.
4. US Army Separation Center, Ft. Bragg, NC.
5. US Air Force Separation Center, Pope AFB.
6. Civilian Hiring Agency, Ft. Bragg, NC.

D. Faith Based Assistance

1. The Recruitment Supervisor seeks recruitment assistance, referrals and advice from community and religious organizations and leaders.
2. All personnel requested to speak before public groups/events, particularly those involving young adults, are encouraged to mention career opportunities within the FPD.
3. The FPD participates in the law-enforcement student intern programs in cooperation with several North Carolina universities and colleges.

2.1.4 ANNOUNCEMENTS AND PUBLICITY

A. HRD is responsible for advertising job openings. HRD will send job announcements to all local employment agencies, including military installations. These advertisements will include but are not limited to newspapers and publications.

B. HRD will coordinate with the FPD in sending job vacancy notices to appropriate community leaders and organizations.

C. When necessary, recruiting will be conducted outside this jurisdiction. Advertisements may be placed in national law enforcement media and sent to colleges and universities with law enforcement curriculum.

D. Announcements concerning police officer position openings will provide a description of the duties, responsibilities, requisite skills, educational level, and other minimum qualifications or requirements.

E. Lateral entry and inexperienced police officer vacancies are posted continually. Lateral entry applications are accepted at any time. Inexperienced applications are accepted until the vacancies are filled and within a reasonable time to process the necessary paperwork before the start of the academy.

F. All other job vacancies will be publicized at least ten working days prior to any official application-filing deadline.

G. The approximate dates of the next academy will be emphasized on all advertisements. The closing of the application process will be at the discretion of the Recruitment Supervisor and the Specialized Services Commander.

H. All advertisements and employment applications will indicate that the City of Fayetteville is an Equal Opportunity Employer. Any recruitment literature using pictures will include women and minorities in law enforcement roles. All City/FPD literature will bear the words: **An Equal Opportunity Employer.**

2.1.5 APPLICATIONS

A. Applications for entry-level and lateral entry police officer positions are available online only, no handwritten applications will be accepted. Human Resource Development (HRD) will accept completed applications through NEOGOV, for inexperienced and lateral officer applicants.

B. All potential sworn applicants will complete a City of Fayetteville application using the online application. The application can be located at www.governmentjobs.com/careers/fayetteville. The Recruitment Staff and HRD will use the NOEGOV program for tracking and accountability. The Recruitment Supervisor will utilize NEOGOV to track applicants through the various stages of the hiring process once the application is completed properly in NEOGOV.

C. HRD will document and log all applicant contacts into NEOGOV for tracking and accountability.

D. Applications for Police Officer will be screened for minimum standard compliance by the Recruiting staff. HRD will observe the process. Applications will be reviewed for accuracy, completeness and eligibility. Applications that are deficient will be processed routinely if the deficiencies can be rectified prior to the testing process.

2.1.6 SELECTION PROCESS

The City conducts one hiring process, lateral entry police officers, basic law enforcement training graduates, and inexperienced candidates hired by the Fayetteville Police Department. The Training and Professional Development Lieutenant is responsible for ensuring that all elements of the selection process for all personnel be administered, scored, evaluated, and interpreted in a uniform manner for each position.

2.1.7 POLICE OFFICER HIRING PROCESS

A. This recruitment is open and is conducted on an on-going basis.

B. The candidate may be a sworn lateral officer, an inexperienced lateral officer, an inexperienced NC BLET, reinstated, or part-time officer.

C. The order of the applicant review and testing process is as follows:

1. An application must be completed and submitted.
2. The applicant must successfully complete a criminal history and driver history.
3. The applicant must pass a written examination with a minimum passing score of 70% overall.
4. The applicant must successfully complete the Police Officer Physical Ability Test (POPAT, Pre-BLET version).
5. The applicant must complete an oral interview. The interview panel must include a member of the Recruiting Staff, the Recruiting Sergeant, a Police Lieutenant, and a Police Captain. A second interview with SSB Executive Staff may be completed.
6. A criminal background investigation must be completed on the applicant.
7. A Computer Voice Stress Analyzer (CVSA) or Polygraph Examination must be conducted.
8. The applicant may be required to complete a second interview board by the Chief of Police and the Assistant Chiefs of Police.
9. The applicant must complete a psychological and medical evaluation.

2.1.8 GUIDELINES FOR POLICE OFFICER PAY

A. Lateral Entry Officers - Sworn law enforcement officers with more than two years' full-time service with their current agency are considered Lateral Entry officers. The City of Fayetteville has a step plan which consists of entry level to 10 steps. A lateral Entry Officer is eligible to receive credit for full years of service as a sworn law enforcement officer based upon the quality, complexity and nature of that experience, including completed training, up to step 10 of the Police Officer pay plan. Credit for time in Basic Law Enforcement Training may be granted toward years of service at the discretion of the Chief of Police.

B. Basic Law Enforcement Training Graduates and Non-Basic Law Enforcement Certified Candidates - The salary will start at the entry level of the step plan.

C. Reinstated Police Officer - A reinstated Police Officer is eligible to receive credit for their years of service corresponding with the Police Officer step plan up to step 10.

D. Temporary Part-Time Police Officers - The Chief of Police determines pay with the approval of the City Manager.

2.1.9 EDUCATION PAY

Education pay applies to all sworn ranks except for Chief of Police. Police Officers will be paid for Associates Degree or Bachelor Degree; not both. Lateral and re-instated officers are eligible for educational incentive pay immediately upon date of hire. Inexperienced officers and BLET graduates will receive education pay upon graduating from BLET.

2.1.10 CONTRACTUAL AGREEMENTS

A. All newly hired employees are subject to an employee contract at the discretion of the Chief of Police.

2.1.11 REFERENCES

OP 3.28	Records Retention and Electronic Filing
OP 8.3	Record Retention Schedule

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **2.2**
	Subject **FIELD TRAINING OFFICER/POLICE SPECIALIST PROGRAM**	**Effective Date** 12 June 2024
	Revised 11-26-93, 10-16-97, 02-25-02, 01-10-05, 02-05-08, 01-30-14, 07-25-16	**Page** 1 of 6
	CALEA Standard 33.4.3, 33.6.1, 82.2.1	

2.2.0 OBJECTIVE

To establish a Field Training Officer (FTO)/Police Specialist Program and an evaluation system for First Year Police Officers (FYO), and new Detectives that will standardize and provide a framework for department wide comprehensive training.

2.2.1 DESCRIPTION

A. The Field Training Officer/Police Specialist program is a voluntary career development plan that will:

1. Allow officers to enhance their personal goals and receive supplemental incentive pay.
2. Recognize and reward officers who achieve and maintain desired performance skill levels and demonstrate enhanced productivity for extended periods of time.
3. Improve opportunities for training, self- improvement and advancement.

B. Advancement or attainment is the responsibility of the individual officer.

C. Promotion to a supervisory rank is a separate career path with no connection to the Field Training Officer/Police Specialist Program. Field Training Officer/Police Specialist selection is not a precondition for promotion and an officer with Field Training Officer status should not expect to be promoted for becoming a Field Training Officer/Police Specialist. Successful participation in the Police Specialist program will be considered during the interview stage of the promotional process as a part of the employee's personnel history.

D. The number of Field Training Officer/Police Specialist positions will be based on the number of positions approved in the Department's budget.

E. Field Training Officer/Police Specialist Program requirements and standards may be reviewed periodically, and changes may be made as necessary to improve the program.

2.2.2 DEFINITIONS

A. Field Training Coordinator (FTC) – Field Training Coordinator or his/her designee is responsible for the overall supervision of the FTO Program.

B. District Training Lieutenant (DTL) – District Training Lieutenants are responsible for managing the Field Training Officer Program in their districts. The District Captains for each district will appoint one Lieutenant to fill this role with the advice of the FTC. The DTL, will be responsible for the FTO Program management for their District.

C. Field Training Officer (FTO) – An officer selected and appointed to train first year probationary police officers and new Detectives.

D. First Year Officer (FYO) – A first year probationary police officer to include Lateral Transfers.

2.2.3 PAY STRUCTURE

A. The pay structure for the Field Training Officer/Police Specialist will be an amount, determined by the City Manager, and will be in effect at the beginning of the pay period immediately following assignment to the Field Training Officer/Police Specialist classification.

B. Field Training Officers/Police Specialist who fail to maintain the required level of performance will lose their supplemental pay and Police Specialist status. The actual loss of Police Specialist supplemental pay will occur at the beginning of the pay period immediately following the failure to meet the required level of performance.

2.2.4 ELIGIBILITY

A. An applicant must have **two and a half consecutive years of service with the Fayetteville Police Department**, from date of hire, or date of re-hire for former officers who have been re-employed, prior to the application deadline date.

B. Officers must pass an assessment center and oral review board, which will test their general knowledge of department policies and procedures and specifics of the job assignment posted by the respective Bureau.

C. Applicants must not have received a suspension of 40 hours or more as a disciplinary sanction within the three years prior to the posting for a Field Training Officer vacancy.

2.2.5 RESPONSIBILITIES AND AUTHORITY

A. Police Specialist will assume the role of Field Training Officer for first year employees.

B. Police Specialist will be expected to assume a role in problem solving and community policing strategies. They will serve as members of review boards and committees when requested or assigned.

C. Police Specialist in Specialized Units will be the lead trainer for their area of responsibility.

D. Police Specialist will conduct re-training with officers/detectives when a supervisor responsible for a squad or unit determines that re-training is needed to improve the officer/detective's performance. This can also be at the discretion of the Chief of Police or his/her designee after a disciplinary hearing.

E. Assist with BLET training at a minimum of two times a year when requested to do so by the Training Staff or BLET Instructor.

2.2.6 SELECTION PROCESS

A. Refer to WD 6.6, Specialized Assignments for the selection process guidelines.

B. Have taken and passed the General Knowledge test within the last 12 months of the posting date.

C. The Field Training Coordinator (Training Center Lieutenant) will be responsible posting vacant FTO/Police Specialist positions for Patrol. The FTC will also be responsible for holding assessment/boards for future FTOs.

D. Captains of Specialized Units will determine if a Police Specialist is needed within their division. If approved to hire a Police Specialist the Captain or their designee will post for the vacancy in their division and hold a selection process similar to the Patol Specialist/FTO process.

2.2.7 DISQUALIFICATION

A. Serious or flagrant violations of Written Directives, Operating Procedures or Departmental Rules and Regulations and failure to perform at an acceptable level may result in denial of eligibility or removal from the Field Training Officer program.

B. Placed on a Performance Improvement Plan (P.I.P).

C. Any substantiated Blue Team investigation may lead to the disqualification of a Police Specialist.

D. A Police Specialist who misses two or more FTO quarterly trainings sessions in a year without being properly excused.

2.2.8 GUIDELINES

A. First Year Officer participation in the Field Training Officer Program is mandatory.

B. Police Specialists assigned to the Patrol Division will train FYOs.

C. FYOs are evaluated in accordance with the department's current Performance Management system for probationary employees and through daily evaluations completed by the FTO and their assigned Shift Supervisor.

D. FYOs wishing to contest documented comments may request to discuss the issue with the Shift Sergeant. If the problem is not resolved, the FYO may discuss it with the District Training Lieutenant. The District Training Lieutenant will review contested evaluations that cannot be resolved by the Shift Supervisor. The FYO will then be advised as to the outcome of the matter. All documentation regarding the matter will be maintained in the training folder.

E. The Field Training Officer Program for patrol consists of three phases:

1. **Phase I: Basic Law Enforcement Training (BLET) Academy and Department/City Orientation-** Phase I begins on the FYO's date of hire and includes Departmental and City Orientation, attendance at a North Carolina Accredited Basic Law Enforcement Training Academy (NC BLET) and practical training on Departmental policies and procedures. When a BLET certified officer is hired, Phase I covers transition topics relevant to the Fayetteville Police Department and Department/City Orientation.

2. **Phase II: Field Training-** The Field Training Program consists of 14 weeks of field training and evaluation of the FYO by the FTO and Supervisor(s). FTOs will wear their uniform during the entire 14 weeks of field training. Week 10 of field training will be used to address specific training needs that the FYO may need. During Week 14 the FTO will be shadowing the FYO to see how they have progressed in their field training. The duration of Phase II may be increased by no more than two weeks based upon FYO performance, training documentation and recommendations from the FYO's supervisor. The District Commander is responsible for approving early release or extended field training recommendations when requested by the District Training Lieutenant or Coordinator. However, there is no early release for FYOs who do not have prior law enforcement experience. Upon completion, the FYO will appear before and pass the Phase II Board of Evaluators before being released to solo patrol.

3. **Phase III: Solo Patrol-** Phase III continues until the officer is released from first-year probationary status. Once the officer is released from first year probationary status, they are granted regular full-time employee status.

2.2.9 BLET CERTIFIED RECRUITS

First Year Officers that are NC BLET certified when hired will:

1. After completing Department / City Orientation, be assigned to the 14-week Field Training Program unless they have 2 years' prior law enforcement experience in which case the field training time will be a minimum of 4 weeks if the recruit was transferred from a CALEA certified agency. If the recruit was not transferred from a CALEA certified agency, then the recruit will have to complete a minimum of six weeks of field training.

2. Follow the same guidelines listed in this policy for review and evaluation as those for non-certified recruits.

2.2.10 FIELD TRAINING OFFICER RESPONSIBILITIES

Field Training Officers will:

1. Teach safe and effective patrol procedures while instilling the FYO/New Detective with the highest ethical and moral concepts.
2. Facilitate FYO/ New Detective orientation and familiarization.
3. Serve as mentor, guide and role model for the FYO/New Detective.
4. Provide counseling to the FYO/New Detective regarding progress and performance deficiencies.
5. Make recommendations for the retention, termination or extension of field training for FYOs.
6. Serve as members of review boards and committees when assigned.
7. Maintain liaison with Training Unit, DTL and FTC.
8. Supervise and be responsible for FYO's/ New Detective's actions.
9. Complete daily observation reports to include relevant observations of the learning process observed and subjects discussed during the shift.
10. Use Daily Reports / Tasks as an evaluation instrument to document the FYO's/New Detective's performance during Phase II.
11. FTOs assigned to patrol will be required to check their FYOs training file on a daily basis and will need to initial off on all corrections that are requested by the FTS on the FTS comment sheets.
12. Complete Phase II release form and forward it through the Chain of Command to the District Commander/Division Commander.
13. Will successfully complete a departmental approved FTO Training Course within a year of beginning selected as an FTO.
14. Will attend at a minimum 3 departmental quarterly training sessions annually.

2.2.11 SHIFT SUPERVISOR RESPONSIBILITIES (For Patol Only)

During Phase II and III, the FYO's Shift Supervisors will monitor the FYO's activities closely and complete third quarter/annual evaluations received from Training. The Shift Supervisors will:

1. Complete the departmental approved Field Training Officer Course.
2. Recommend officers for selection as a Field Training Officer based on their performance history and experience.
3. Coordinate the training of FYOs on their shift.
4. Sergeants will review and sign the daily observation reports and monitor the FYOs progress and performance.
5. Supervisors are responsible for inspecting and maintaining the field-training file on each FYO assigned to their shift until the FYO leaves their shift or is presented to the board of evaluators. The field training file includes:

    a) All daily observation reports for up to date documentation and feedback.
    b) Tasks List
    c) Sector Assignment Log
    d) Any remedial training that was completed and documented.

6. Maintain the FYO's training files at each district in a central location after each shift. The files will not be taken home to be completed but may be taken into the field by the FTO.
7. The supervisor is responsible for checking the FYOs training file on a daily basis to make sure their assigned FTO is making all corrections as requested by the FTL.
8. Report any issues / concerns to their assigned District Training Lieutenant.

2.2.12 FIELD TRAINING COORDINATOR RESPONSIBILITIES

A. The Field Training Coordinator will:

1. Complete a departmental approved Field Training Officer Course.
2. Review or have his/her designee review all Field Training files to ensure completeness prior to the Review Board.
3. The FTC or his/her designee will make assignments and rotations of Patrol FTOs with the FYO as necessary. If there are unexpected circumstances where a certified FTO is unavailable to train, the FYO will be assigned to another FTO within the Police Department.
4. Will oversee the entire Field Training Program for patrol.
5. Will hold the rank of Lieutenant.
6. Upon successful completion of the field training program, the FTC will receive the FYO's field training for retention at the Training Center.
7. FTCs will coordinate with the Training Center to develop formal training for FTOs. In-Service Training for FTOs will be conducted quarterly by the FTCs. To ensure uniformity of instruction for new FYOs, FTO in-service training will provide updates on any changes in the BLET curriculum that may impact field training, review new or revised report forms, discuss legal updates and information to include ethics, training on problem solving, community policing and community engagement, or any additional training needed into the Field Training Program.
8. FTCs will meet with and arrange training for new appointed Field Training Officer's. They will coordinate for each new Field Training Officer to attend a department approved Field Training Officer Course.
9. Assess training and development in coordination with the FTO's in order to disseminate the date and number of FYOs to be released from the Training and Education Center, prior to their release.

B. The Patrol District Training Lieutenant will:

1. Complete a departmental approved Field Training Officer Course
2. Review all daily evaluations of the FYO to ensure completeness.
3. Complete a weekly inspection of all field training files of FYOs assigned to their district to determine their completeness and coordinate with the respective FTO for completion and/or corrections.
4. Will oversee the entire Field Training Program for their districts.
5. Will meet with FYOs to make sure their training needs are being met.
6. Will serve as the coordinator for their districts phase II release board IAW O.P. 2.2.8.

C. Field training forms will be provided to each FTO and compiled in a binder for the duration of the FYO's training period. The binder will be maintained in the respected Patrol District that the FYO is assigned to but may be taken into the field during the patrol shift. All forms can also be located on Police Shares.

D. The DTLs will review the Daily Observation Reports completed by the FTO each week. DTLs will ensure that all necessary signatures and initials are on the evaluations and will coordinate with the respective FTOs for corrections.

2.2.13 ORGANIZATION AND FUNCTION OF BOARD

Phase II Board of Review- Upon receipt of the Phase II Release Form, the District Training Lieutenant will arrange a Board of Review date with the Patrol District Commander for the FYO.

1. The Phase II Board of Evaluators will be comprised of the Patrol District Captain, A District Training Lieutenant, Shift Sergeant and FTO. The purpose of this board is to determine if:

    a) The FYO is prepared to advance to Phase III.
    b) The FYO requires additional training and should remain in Phase II with a Field Training Officer for no longer than two weeks.
    c) The FYO has not progressed satisfactorily for retention and should be considered for dismissal.

2. A report of the findings of the Phase II Board of Evaluators will be documented on the Phase II Release Form and forwarded to the Patrol Operations Bureau Commander. All documentation will become a permanent part of the FYO's training file.

3. Upon successful completion of Phase II, the FYO will be provided with an FTO evaluation QR code/form to be completed on each FTO to provide feedback on the FTOs who were assigned to train them. The FTC will use feedback from the evaluations as learning opportunities during the FTO in-service training.

2.2.14 REFERENCES

WD 6.6 Specialized/Career Enrichment Assignments

The Field Training Concept in Criminal Justice Agencies, by Glen F. Kaminsky

By Order Of: Kemberle Braden, Chief of Police
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **2.3**
	Subject **IN SERVICE, ROLL CALL, AND REMEDIAL TRAINING**	**Effective Date** 24 March 2026
	Revised 2-25-02, 06-17-08, 01-30-14	**Page** 1 of 1

This Operating Procedure was rescinded on March 24, 2026. Its contents were incorporated into OP 2.4 and OP 2.5.

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

2.4.0 OBJECTIVE

To establish procedures for the administration of the department's training and education function for sworn personnel and cadets enrolled in Basic Law Enforcement Training (BLET).

2.4.1 RESPONSIBILITY

A. The Specialized Services Bureau Commander or his/her designee will coordinate all department education and training activities. The Training Lieutenant is responsible for administering the department's training programs. He/She will:

1. Oversee the operation of the Basic Law Enforcement Training Academy (BLET) and ensure that all state requirements for recruit training are met.
2. Plan, develop, and implement in-house education and training programs necessary to comply with state law, and to meet specific needs of the department.
3. Notify personnel of required or approved education and training, and ensure attendance.
4. Provide information concerning the availability of special education and training opportunities.
5. Coordinate education and training activities and programs required or approved by the Chief of Police.
6. Evaluate education and training programs conducted by or for our department.
7. Ensure the maintenance of accurate records of education and training completed by department personnel.

2.4.2 ACADEMY AND CADET TRAINING (BLET)

A. All sworn officers will complete a cadet training program prior to assignment in any capacity that allows the officer to carry a weapon or make arrests.

1. Recruits with no law enforcement certification will be required to successfully complete BLET Academy training.
2. The BLET curriculum will be based on training required by the State and the most frequently assigned tasks of officers who complete recruit training.
3. Students will be evaluated on techniques designed to measure competency in the required skills, knowledge and abilities.
4. Cadets are required to successfully pass each BLET topic of training. If a cadet does not successfully pass one of the BLET courses of instruction then they will be required to retake the test. If the cadet does not successfully pass the testing retake then the cadet will have a training deficiency.
5. All training deficiencies will be documented on a Training Deficiency form and will be uploaded into Blue Team. Training Deficiencies do not count towards progressive discipline on the disciplinary matrix. Repeated deficiencies may result in disciplinary action. On the cadet's third deficiency the cadet may be subject to disciplinary action up to and including a Consideration of Dismissal.
6. Graduates from BLET and North Carolina certified lateral entrants will be assigned to the Training and Education Center for approximately four (4) weeks to receive department training/orientation to include agency policies, procedures and rules and regulations.

B. All cadets, whether attending the FPD BLET Academy or an outside BLET Academy, will be provided with a handbook at the beginning of academy training. The handbook will include information regarding the operational and administrative requirements of the Academy. The handbook will also outline the organization of the academy, rules and regulations, rating, testing, evaluation procedures, physical fitness, proficiency requirements, and daily training schedules. The

Training Lieutenant or his designee will maintain an updated handbook for the FPD BLET Academy.

C. The Training Lieutenant, or his/her designee, will monitor the progress of FPD personnel attending Basic Law Enforcement Training at an outside academy to ensure their training needs are being met. This will include periodic visits and correspondence with academy staff, consulting with the academy director to view test scores, discussing any problems or concerns regarding the employee's progress, ensuring that trainees have access to all necessary equipment and supplies; as well as completing required performance evaluations. FPD personnel attending an outside academy are covered by the City of Fayetteville as probationary full time employees.

D. The Training Lieutenant, or designee, will oversee the Academy's performance measurement process. Performance measures may include, but are not limited to, student academic and skills performance, training deficiencies, retention and completion rates, resignations or dismissals, injuries, disciplinary matters, and student evaluations.

1. The Training Lieutenant, or designee, will conduct and document an annual analysis of Academy performance measures to identify trends, areas of concern, and opportunities for improvement.
2. The Academy will provide opportunities for internal and, when applicable, external feedback regarding Academy performance and service delivery. Feedback may be obtained from students, instructors, Training Center personnel, supervisors, Field Training personnel, other Department personnel, and applicable outside agencies or organizations.
3. Performance measurement data, annual analysis, and feedback will be used, when appropriate, to identify training needs and improve Academy programs and service delivery.

2.4.3 IN-SERVICE TRAINING

A. In-Service Training is conducted for all sworn employees and may include periodic retraining, refresher training, re-qualification training, or training designed to enhance career development and upward mobility. The training will be delivered via in-classroom instruction and/or departmental approved Online Training.

The Training Unit will prepare a quarterly in-service training curriculum for all sworn employees. The curriculum will include, but not be limited to the following:

1. Training issues that arise throughout the year.
2. State Mandated In-Service Training Topics.

The Police Legal Advisor will prepare all legal updates, important court decisions, new legislation, and changes in state statutes.

B. Mandatory In-Service Training

All officers, Lieutenants and below, will attend mandatory in-service training. Captains and above are required to attend training to meet the minimum mandatory State requirements. The purpose of mandatory in-service training is to improve and maintain proficiency in subjects deemed necessary for the mission of the department. The Training Unit is responsible for maintaining a list of officers that are not in compliance with the in-service training mandate. Sworn personnel failing to attend and/or complete State Mandated In-Service Training by December 31 of each year will result in the suspension of their certification by the North Carolina Criminal Justice Education Training and Standards Commission.

C. Specialized In-Service Training

Personnel assigned to specialized areas of the department and/or performing specialized tasks that exceed the scope of normal police duties may require specialized courses. Specialized courses are available for the following ranks, classifications, or job positions:

1. Police administrators and managers.
2. Police supervisors.
3. Police officers assigned to a special team, a specialized unit of the department, or a specialized function requiring knowledge and skills not required by officers performing the primary police function.
4. Professional Staff whose work requires specialized courses.

D. Requests for Specialized Training

Any employee who wishes to attend a specialized program may submit a request through the chain of command. If the request is approved, the Training Coordinator will make the necessary arrangements to register the employee for the class.

E. Accreditation Training

Familiarization with the accreditation process will be provided to agency employees as follows:

1. To all newly hired agency personnel within thirty days after their employment begins or within thirty days after completing BLET .
2. To all agency personnel just prior to an on-site assessment.

2.4.4 REMEDIAL TRAINING

Remedial training is supplemental instruction used to correct an employee's or group of employees' performance.

A need for remedial training may be identified for individual employees as well as groups of employees performing similar functions where a deficiency is noted.

A. Determining the Need for Remedial Training

1. The need for remedial training may be established through evaluation of job performance, line or staff inspections, internal investigations or evaluation of training participation.
2. Supervisors must determine the training needs of employees within their areas of supervision and retrain or recommend retraining when needed. This will be done by direct observation of the employee's performance and through consultation with other department staff. The criteria to be utilized will be a comparison of the employee's performance with the job standards established for his/her position.
3. Supervisors are responsible for providing remedial training to employees whose performance is judged below standard due to lack of requisite knowledge and / or skill.

B. Scheduling Remedial Training

1. If an employee's performance deficiency creates a harmful situation to the public and/or department, immediate steps will be taken to correct the deficiency. The appropriate supervisor will either correct the deficiency or arrange with Training Unit personnel to provide the required remedial training.
2. Performance deficiencies that do not present a harmful situation to the public or to the department will be corrected in a timely manner.
3. Remedial training is a method available for correcting work-related deficiencies. When performance cannot be corrected or brought up to a "Meets Expectations" level of performance other resolutions will be considered to include; transfer to another assignment or position, demotion, and a final step would be to terminate employment. Performance deficiencies will be documented consistent with the City of Fayetteville Performance Management System.
4. Employees scheduled for remedial training must attend as directed. Failure to attend or to satisfactorily complete remedial training may result in disciplinary action up to and including dismissal.
5. All remedial training will be documented by the assigned trainer. Copies will be forwarded to the Training Center for placement in the employee's training file.

6. If the remedial training was conducted as the result of an Administrative Investigation, documentation of the remedial training will be forwarded to the Internal Affairs Unit for placement in the investigative file.

2.4.5 EMPLOYEE ATTENDANCE AND CONDUCT

All sworn employees are required to successfully pass all required yearly state mandated in-service training courses. All employees who have been assigned to attend courses are obligated to attend and to participate to the best of his/her ability.

A. Excused Absences

1. The employee is sick or injured to the extent that attendance or participation would be ill-advised.
2. The employee is required in court.
3. An emergency situation develops requiring the employee's immediate attention.
4. The employee has been excused by his/her respective Commander or designee.

B. Instructors will identify class sessions missed by employees and will also indicate successful or unsuccessful completion of training for each attendee. Employees who are absent from mandatory training will be rescheduled. Supervisors will ensure that their employees attend make-up training. Any person, who by his/her conduct or attitude, tends to disrupt the class after being advised of his/her conduct will be expelled.

2.4.6 DEPARTMENT INSTRUCTORS

A. Selection

1. Employees requesting instructor certification will:

    a) have four years of experience
    b) be recommended by the chain of command
    c) possess adequate knowledge and skills pertinent to the subject/topic
    d) Have the ability to communicate clearly orally and in writing

2. Once an employee has been selected by his/her chain of command, the Training Coordinator, upon notification, will place the person on the list for instructor school. All personnel assigned to the training function and full-time instructors will receive training on the following topics:

    a) lesson plan development
    b) performance objective development
    c) instructional techniques
    d) testing and evaluation technique
    e) resource availability and use

3. The department will use the NCJA and local community colleges to train employees to become instructors. Employees selected to attend the two week instructor course at the NCJA will be authorized to instruct in department training and Basic Law Enforcement Academy training.

2.4.7 COURSE COORDINATORS

The Training Lieutenant will designate a member of the Education and Training Staff to act as Course Coordinator for each course conducted by the department. The designated Course Coordinator or Instructor, regardless of his/her rank, will be the "supervisor of record" of any course conducted by the department.

2.4.8 LESSON PLANS

A. Instructors (whether department employees or guests) must submit a lesson plan to the School Director for his/her approval before the course is taught. The School Director will review all lesson plans to ensure that the following components are described in the document:

1. A statement of performance and job related objectives
2. The content of the training to be presented
3. The instructional techniques that will be used
4. Any tests that will be used in the training process

B. Training staff will provide each instructor with guidelines and formats for lesson plan development.

2.4.9 OUTSIDE AGENCIES/SCHOOLS

A. Employees may serve as instructors in training programs and activities sponsored or conducted by other agencies. Participation will be allowed only to the extent that it does not interfere with the employee's duties and obligations to the department.

B. All requests to serve as instructors in outside schools will be made to the employee's immediate supervisor far enough in advance to allow adequate consideration of the request and the employee's availability. The request will include a description of the instructional services required.

C. The employee's supervisor will evaluate the request, make recommendations, and forward it to the appropriate Bureau Commander.

D. When the employee will be compensated directly, he/she will be required to utilize annual leave, holidays, or compensatory time for the period of instruction, as approved by the Chief of Police.

E. When employees have volunteered to teach at a local institution while on duty and it has been approved by their Division Commander, compensation will not be permitted.

2.4.10 TRAINING RECORDS

A. Employee Records

1. The department's Training Coordinator will maintain training files on all personnel to reflect the following items:

    a) firearms qualification scores
    b) in-service training courses
    c) roll call training
    d) training at outside agencies and schools
    e) training at civilian educational agencies

2. Each file will include the following information:

    a) subject
    b) date
    c) type of training received
    d) hours of attendance
    e) test scores, if applicable
    f) certificate of completion, if applicable

3. Supervisors will ensure that training documentation pertaining to their employees is forwarded to the Training Coordinator.

4. The Training Coordinator will upload all training records into each employee's Essential Personnel software file.

B. Course Records

Training staff will maintain documentation of each training course conducted by the department in a course file. The file will include the following:

1. lesson plan
2. list of participating instructors
3. student roster
4. record of test scores and test materials, if administered

2.4.11 REFERENCES

O.P. 1.03	Performance Management
O.P. 3.01	Patrol Operations
W.D. 4.03	Firearms Policy

City of Fayetteville Employee Relations Manual

CALEA Law Enforcement Standards	4.3.3, 26.1.4, 33.1.2, 33.1.5, 33.1.6, 33.1.7, 33.2.1, 33.2.3, 33.2.4, 33.4.2, 33.4.3, 33.5.1, 33.6.1
CALEA Communications Standards	5.2.9
CALEA Training Academy Standards	1.1.2, 2.1.4, 3.1.1, 3.3.1

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **2.5**
	Subject **PROFESSIONAL STAFF TRAINING OPPORTUNITIES**	**Effective Date** 6 March 2026
	Revised 12-07-98, 02-25-02, 12-08-15	**Page** 1 of 2
	CALEA Standard 33.1.6	

2.5.0 OBJECTIVE

To establish procedures for the administration of training courses for departmental professional personnel.

2.5.1 PROGRAM ADMINISTRATION

A. The department will provide reasonable training opportunities for professional staff members in order to ensure professional delivery of police services and to promote career development.

B. Department supervisors will administer the process in a fair and equitable manner. Training will be approved according to course availability and departmental needs.

C. Department Managers will work closely with their assigned supervisors to identify training needs in their areas of responsibility and coordinate the process.

D. On-going Training

Professional staff members will undergo classroom and/or on-the-job training to learn the necessary job skills and knowledge required for proper performance of assigned duties. Professional Staff supervisors are responsible for coordinating additional training according to the needs of the employee and the department.

2.5.2 RESPONSIBILITY

A. The Police Training Coordinator will notify professional staff of potential training opportunities. The Police Training Coordinator will update employee records in Essential Personnel or any other departmental database following their participation in training courses.

B. Supervisors will be responsible for the following functions:

1. Ensure that each employee forwards documentation of training received to the Police Training Coordinator.
2. Determine the current training needs of the command.
3. Coordinate with the employees concerning needs of the unit and availability of courses.
4. Identify personnel to attend training or post available courses.
5. Ensure that core training needs have been met before authorizing elective courses.
6. Assess the following issues before scheduling training:

    a) Staffing shortages.
    b) Holidays and vacations.
    c) Scheduled days off.

C. Adhere to the following selection criteria:

1. Department needs.
2. Unit needs.
3. Individual qualifications and needs.
4. Career development.

Once the employee is identified for training, the Department Manager will review and make a recommendation for approval.

By Order Of: Roberto E. Bryan Jr., Chief of Police
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2.6.0 OBJECTIVE

To establish procedures for implementing the Career Development Program.

2.6.1 DEFINITIONS

A. Career Development - a process that is utilized to provide opportunities for individual growth and development.

B. Career Counseling - the interaction between a counselor and employee that is intended to assist an employee with selecting, preparing for, entering or progressing in a job assignment.

C. Career Specialties - positions within the organization that require special training or advanced education.

D. Skills, Knowledge, and Abilities (SKA) - skills are the proficiency with which an individual performs; knowledge is a body of information or the understanding gained through training and experience; abilities are the processes required to perform a particular job.

2.6.2 CAREER DEVELOPMENT

A. Administration

1. All supervisors are responsible for administering and coordinating components of the department's Career Development Program.
2. The principal components of the Career Development Program are:

    a) Career counseling.
    b) Proficiency and specialty in-service training.
    c) Short term training assignments.

3. The objectives of the program are to ensure the following:
4. In-service training and educational opportunities provided by the department are equitably distributed with respect to the City of Fayetteville Equal Employment Opportunity Plan objectives.
5. To provide opportunities for temporary duty assignments and job rotation so as to offer officers meaningful work experience in areas outside their regular duty assignments.
6. Facilitating for each officer to attend at least one occupational related school in the first two years of service.
7. Annual career counseling available to all personnel during the annual performance review process.

2.6.3 CAREER COUNSELING

A. Career counseling is used to determine individual career growth needs and to provide direction for the employee. All supervisors will participate in the career development program as counselors for their subordinate employees.

B. The primary responsibility for career counseling shall rest with the employee's immediate supervisor. Career counseling, including a review of the employee's in-service training record, will be conducted annually as part of the performance evaluation process and will involve the employee and his/her immediate supervisor. Each supervisor will:

1. Discuss the employee's in-service specialty training record, career advancement and other career opportunities, and other matters related to the employee's request for counseling.

2. Complete Part III, Section B on the Employee or Supervisory COF Performance Evaluation Form (PM 1 or PM 2) and forward it through the chain of command to be placed in the employee's file in Internal Affairs.

C. The Career Development Program Training

1. The training for the Career Development Program for all supervisors will be administered by the Training Director to include the administration and delivery of the Basic Law Enforcement Training Program, in-service training programs, and Career Counseling Training which will be taught in the Sergeants Academy. The Career Development Program Training will enable supervisors to:
2. Assess the knowledge, skills and abilities of an employee in comparison with the knowledge, skills and abilities required for successful performance within the position or assignment area sought.
3. Assist employees in utilizing the counseling services of other agencies such as:

    a) NCJA - Provides basic and specialized training in law enforcement subjects.
    b) Human Resource Development Division – Provides training for Career Development and Career Counseling and a host of other training and programs.
    c) Colleges - Provides career guidance, workshops, seminars, and higher education options.
    d) Fayetteville Police Department - Various shift/bureau/division commanders offer counseling and training in specialized areas of expertise.

4. The Career Development Program will further the objectives of the Department's and the City of Fayetteville's Equal Opportunity.
5. Explain salary benefits, department incentives, educational incentives and training opportunities available in the department.

2.6.4 IN-SERVICE TRAINING

Proficiency In-Service Training will be used to provide job-related instruction designed to refresh basic skills as well as gain additional knowledge, skills and abilities needed to maintain competence in the job assignment.

2.6.5 SHORT TERM TRAINING ASSIGNMENTS

The FPD recognizes the necessity of having well-trained and versatile officers. Short-term rotations outside their regular assignment are intended to provide the officer or supervisor with relevant experience in other areas of the department and to acquaint them with the duties, responsibilities, skills, and abilities pertinent to the short-term assignment. Job rotation and temporary assignments outside the normal assignment area may be utilized as a supplement to formal training. Assignments may be requested by an officer/supervisor or assigned at the discretion of the Chief/Bureau Commander for a period of 30 to 90 days.

A. Eligibility/Selection

1. Officers/Supervisors must meet each of the requirements specified below:

    a) They must not be on probationary status.
    b) They must be meeting the job performance standards established for their regular duty assignment.
    c) An officer or supervisor may request a temporary assignment by submitting a memorandum of request through their chain of command identifying the assignment as well as how the assignment would provide a valid means toward the establishment of personal career goals.

2. The Chief or respective Bureau Commander may identify and select officers or supervisors who could further develop/enhance their skills through a temporary assignment.

3. Upon completion of the assignment, the officer and supervisor will return to the assignment vacated when the assignment began.

B. Assignment Areas

1. The following are available short-term assignment positions:

    a) Traffic.
    b) Detectives.
    c) Patrol Districts.
    d) Internal Affairs Office.
    e) Narcotics and Vice Suppression Unit.

2. Short term assignments may be granted when staffing permits. The operational needs of the department will be the primary consideration in such assignments. Assignments may be shortened based upon staffing needs.

2.6.6 DEVELOPMENT TRAINING FOR SUCCESSION

A. Employees selected for advanced training and employees on an active promotion list should be provided supervisory training in such areas as oral and written communication, planning, measuring results, problem identification, prevention and solving, counseling, and decision making. Instruction will be conducted through in-house training programs or at required training facilities.

B. Just prior to or as soon as a class can be coordinated following a promotion, new employees will be provided specialized training in supervision, management, and specialized functional areas, depending on assignment.

2.6.7 EDUCATION

A. Educational Leave Policy

1. Educational leave is authorized by City Personnel Policy Number 234.
2. Information and requests for this leave should be discussed with the employee's immediate supervisor to determine if the employee qualifies.
3. If the employee qualifies, the necessary documents will be completed and forwarded through the chain of command to the Chief of Police.

B. Availability to Attend School

1. Bureau Commanders will have the final authority for approving shift requirements so employees can attend educational institutions.
2. Supervisors will ensure that the department's mission takes precedence over school attendance.

C. Educational Pay Incentives

1. The Educational Pay Incentive Program was established to attract new officers who have degrees from institutions of higher learning and to offer an incentive for current officers to expand their education.
2. All personnel are encouraged to achieve no less than a Baccalaureate Degree that may enhance their promotional and career goals. Under this plan, officers may qualify to receive additional pay increments based on their formal education.

D. Trainees

1. Police trainees may apply for educational incentive pay at the time of employment if BLET certified or after completing BLET and becoming state certified. Requests for educational incentive pay will be processed by the Training Staff.

2. The trainee must submit a certified transcript and a copy of the degree earned. If there is any question about the school's accreditation, the trainee must submit certified proof of the school's accreditation.
3. Upon obtaining sworn status, an officer with an Associate Degree or Baccalaureate will receive an educational incentive added to his/her base pay.
4. An officer who earns an Associate Degree or Baccalaureate Degree or its approved equivalent must submit a request through the chain of command for educational incentive pay. The officer must submit a copy of his degree and transcript with the request.

By Order Of: Harold E. Medlock
Digitally Signed

APPENDIX A

CAREER DEVELOMENT SKILL AREAS

1. Collision Investigation
   a. Hit and Run Investigation
   b. Traffic Collision Analysis
   c. DWI Enforcement
   d. Selective Traffic Enforcement
   e. Speed Enforcement (Radar)
2. Armorer
3. Intoxilyzer Operator
4. CPR/
5. Civil and Vicarious Liability
6. Computer/Data Processing
7. Crime Prevention
   a. Home Security
   b. Business Security
   c. Community Programs
   d. Program Marketing
   e. Neighborhood Watch Program Coordinator
8. Criminal Investigations
   a. Arson
   b. Burglary
   c. Computer Fraud
   d. Drug Enforcement
   e. Forgery
   f. Fraud
   g. Homicide
   h. Motor Vehicle Theft
   i. Narcotics and Dangerous Drugs
   j. Robbery
   k. Sex Crimes
   l. Vice
   m. Cyber Crimes
9. Driver Training/Defensive Driving
10. Executive and VIP Protection
11. Police Specialist
12. Foreign Language Skills
13. Hazardous Materials
14. Hostage Negotiations
15. General Instructor Certificate
16. Service of Legal Process
17. Interviewing and Interrogations
18. Juvenile Law and Procedure
19. Management
    a. Administration Skills
    b. Management of:
       1. Property
       2. Evidence
       3. Records
       4. Purchasing
       5. Personnel
       6. Patrol
       7. Criminal Investigations
       8. Narcotics/Vice
       9. Training
       10. Communications

11. Fleet Vehicle Operations
c. Budgeting
d. Planning
e. Leadership
f. Policy Development
20. Media Relations
21. Motor Vehicle Theft Prevention
22. Officer Survival
23. Physical Evidence Collection
a. Fingerprinting
1. Classification
2. Collection
b. Photography
24. Physical Fitness Counselors
25. Self-Development
a. Human Relations
b. Stress Management
Special Weapons and Tactics
27. Specialized Instructor Certification
a. Subject Control Arrest Techniques
b. Defensive Driving
c. Firearms
d. Hazmat
e. Physical Fitness
28. Supervision
a. Communications
b. Counseling
c. Leadership
d. Motivation
e. Performance Evaluation
29. Terrorism

2.7.0 OBJECTIVE

To establish procedures for new Civilian employee orientation and training.

2.7.1 CITY ORIENTATION

Newly hired civilian employees will attend the New Employee Orientation Program conducted by Human Resource Development Department. City orientation provides information on the organization's role, purpose, goals, policies, and procedures, working conditions and regulations as well as the responsibilities and rights of employees and includes but is not limited to the following orientation activities for new employees:

1. Employee Handbook
2. City Employee I.D. Badge
3. Information on creating a safer workplace
4. Information on the City's Substance Abuse Policy
5. Information on the City's Serious Incident Policy
6. Benefits in-processing
7. New Onboarding Experience

2.7.2 SPECIALIZED SERVICE BUREAU RESPONSIBILITIES

A. The Specialized Services Bureau, Technical Services OAII will be responsible to create a new employee file packet for each new hire prior to start date. The packet is considered part of the New Employee Onboarding Experience and will contain the following:

1. New Last four – generated for use in various systems
2. Proximity Keyless Access Card with appropriate level of access
3. Fayetteville Police Department In-Processing form POL-121
4. Department Orientation Checklist NEO-020
5. City of Fayetteville New Employee On Boarding Experience
6. Employee Biographical Data Form POL-716
7. Shift Acknowledgement
8. Parking Decal Request Form
9. City Email Tutorial
10. PowerDMS User guide
11. FEMA Training Information for IS100 and IS700 (include Recruiting & Training form)
12. Recruiting & Training In-Service Training form POL-260 for FEMA
13. City of Fayetteville Tobacco Use Policy #410

B. The Specialized Services Bureau, Administrative Assistant will be responsible to coordinate with City IT to set up computer access to the city network and a city email account. The Administrative Assistant will notify each new employees' supervisor of account information once obtained from IT.

C. On the 2nd day of the new hire's city orientation, Human Resources and Development will release all new Police employees to the Specialized Services Bureau, Personnel Technician or designee. It will be the responsibility of the Personnel Technician or designee to ensure that all new employees are briefed on the following:

1. Completion of FPD In-Processing Form
2. Proximity Keyless Access Card
3. City Email Web Access Tutorial
4. Introduction to PowerDMS (User-ID and Password)
5. Explanation of FEMA Training
6. Proper procedure for payroll

7. Proper procedures for address and name changes
8. Completion of Employee Biographical Form POL-716, Shift Acknowledgement and Parking Decal Request form.

D. The Personnel Technician or designee will then release all new employees to the appropriate supervisor or designee after completion of above steps. The paperwork that remains in the original new hire packet will be utilized by each new employee and their supervisor to continue their new hire orientation for the department.

E. It will be the responsibility of the Personnel Technician or designee to complete the following tasks immediately following the new hire initial briefing:

1. Create a personnel file in Laserfiche for each new hire for archival purposes. Laserfiche will be utilized to electronically maintain each employee's personal documentation over the course of the employee's employment.
2. Scan all documents obtained during the new hire briefing in Laserfiche.
3. Forward the parking decal request to traffic services for processing.
4. Forward the initial hire letter, original biographical form, original shift acknowledgement, copy of Driver License and social security card to Internal Affairs. Internal Affairs will be responsible for maintaining these documents.

2.7.3 SUPERVISOR RESPONSIBILITIES

A. Immediate Supervisors are responsible for ensuring that all new civilian employees have been in contact with the Specialized Services Bureau, Personnel Technician for their initial new employee in-processing. Supervisors will ensure that each new civilian employee under their supervision will continue their new hire in processing using the guidelines on FPD In-Processing form POL-121 and guidelines set forth by Human Resources on city forms, Department Orientation Checklist NEO-020 and COF New Employee Onboarding Experience. All forms should be utilized to ensure each new employee has the same on boarding experience.

B. Civilian in-processing includes but is not limited to:

1. Obtain the new hire folder from each new employee directly assigned to you to be utilized during first year of employment.
2. Continue in-processing activities as directed on POL-121 and return completed form to Specialized Services Bureau, Technical Services OAII within 30 days of date of hire.
3. Complete activities as directed on COF Department Orientation Checklist NEO-020 and return to HRD within first week of date of hire.
4. Complete Job Results and Expectations on employee. These must be signed and returned to HRD within 30 days of date of hire.
5. Follow guidelines set forth on the City of Fayetteville New Employee Onboarding Experience.
6. PowerDMS user instructions have been provided in the new hire packet. Supervisors are responsible to ensure each new employee is able to access PowerDMS to electronically sign for the following:

    a) Rules and Regulations
    b) Policies and Procedures
    c) Accreditation
    d) Handling persons with mental illness training
    e) Criminal Intelligence gathering and dissemination
    f) Current Legal Update

7. Ensure Proximity Keyless Access Card is working properly in area of assignment. Follow up with Technical Services OAII if additional access is required.
8. Coordinated on-line FEMA training for ICS-100 and ICS-700.
9. Coordinate with Internal Affairs to obtain FPD identification card.
10. Coordinate with IT for access to appropriate computer systems or programs for use in position.

2.7.4 TRAINING AND EDUCATION CENTER RESPONSIBILITIES

A. Training and Education Center personnel will be responsible for maintaining civilian employee training records. The Training and Education Center will be responsible for coordinating mandated training activities for civilian employees. The Training and Education Center will coordinate and disseminate training materials for mandatory civilian training. Training may be provided through classroom, shift briefing, PowerPoint or special bulletin and will be documented on an in-service training report.

B. "Ethics" training will be provided biennially and will cover:

1. The City/Department's code of ethics.
2. Information on avoiding temptations and ethical dilemmas.

C. "Persons suffering from mental illness" training will be provided triennially and will cover:

1. Guidelines for the recognition of persons suffering from mental illness.
2. Procedures for accessing available community mental health resources.

D. Supervisors completing any civilian in-service training will forward copies of the in-service training reports to the Police Training Coordinator and Internal Affairs.

2.7.5 EMERGENCY OPERATIONS OFFICERS RESPONSIBILITY

The Emergency Operations Officer is responsible for coordinating documented annual training on the Department's critical incident plan for all affected personnel. This training will be conducted to include non-sworn personnel as part of the annual training process.

2.7.6 SPECIALIZED TRAINING

Supervisors will ensure that all pre-service or specialized training is documented and copies will be forwarded to the Police Training Coordinator and Internal Affairs for the employee's training file. The following civilian positions require pre-service and/or specialized training:

1. Central records unit clerk
2. Civilian Crash Investigator
3. Crime Prevention Specialist
4. Community Relations Specialist
5. Victim Advocate
6. Forensic Technician
7. DCI Operators
8. Civilian Investigative Assistant
9. Public Safety Dispatcher/Public Safety Call-Taker
10. Crime Analysis
11. RMS Database Manager
12. Other civilian positions as designated by the Chief of Police

By Order Of: Harold E. Medlock
Digitally Signed

2.8.0 OBJECTIVE

To establish guidelines for completing, processing and approving requests for training and professional development opportunities.

2.8.1 RESPONSIBILITIES

A. Police Training Coordinator Responsibilities

1. The Police Training Coordinator is responsible for processing training and development requests for all department personnel to include:

   a) Coordinating and finalizing registrations, travel arrangements, accommodations, and per diem for meals.
   b) Ensuring that funds are available in the respective cost center of the employee requesting to attend training.
   c) Ensuring that all required paperwork is provided and received for accountability of records and receipts.
   d) Completing a monthly report to include a monthly accountability of the Training and Development cash fund.
   e) Completing pre and post travel expense report for COF-042 when applicable
   f) Providing information on training and development opportunities based on departmental needs and supervisor requests.
   g) The Police Training Coordinator will update and maintain all training records for all employees excluding the Communications Division.

2. The Public Safety 911 Training and Compliance Administrator will update and maintain all training records for the Communication Division.

B. Employee Responsibilities

1. Employees requesting a budgeted/unbudgeted training or development opportunity will:

   a) Submit a request in PowerDMS utilizing the Training Request feature.
   b) Attach all relevant documentation regarding the training opportunity to include, name of the training, location, contact information, using brochures, emails, or website information. Associated fees such as registration, lodging, per diem and travel should be included in the request. A court leave form must be attached to requests for all sworn personnel, with the exception of some command-level employees.
   c) The request will be submitted to the Police Training Coordinator for review and forwarding to the Court Liaison and the chain of command.
   d) Enter the time off request into FayPay utilizing the “Professional Development” code for the type of time off requested.

C. Supervisory Responsibilities

1. Supervisors are responsible for ensuring that all staffing needs are met when reviewing school requests for consideration and will:

   a) The supervisor shall review the request and determine whether it is approved for further consideration.
   b) Requests approved that require funding shall be forwarded through the employees’ Chain of Command for final approval.

c) Requests approved that do not require funding shall receive final approval from the employee's assigned Lieutenant. Requests that do not require funding are not required to proceed through the employee's entire Chain of Command.
d) If a request is denied, the supervisor shall document the reason for the denial in the PowerDMS request and communicate the reason for the denial to the employee.
e) If the employee's attendance in the training/school/conference causes the employee to work beyond the 40-hour work week (80 hour pay period for sworn, non-exempt employees), if possible, the supervisor will allow the employee to flex their time to minimize any accrued compensatory time. Overtime is not permitted to be paid for an employee to attend training.

D. Division Commander Responsibilities

1. The Division Commander or their designee is responsible for:

a) Reviewing approving or denying all requests for consideration for training and professional development which require funding.
b) If a request is denied by the Division Commander, then the Division Commander shall document the reason for the denial in the PowerDMS request and communicate the reason for the denial to the employee.

E. Court Liaison Coordinator

1. The Court Liaison Coordinator or their designee is responsible for:

a) The Court Liaison Coordinator will review all requests to ensure that court availability by Department employees will not be impacted.
b) The Court Liaison Coordinator review or make comments regarding an approval or reason for denial.
c) The Court Liaison Coordinator will complete all appropriate paperwork to notify the District Attorney's Office of an employee's availability for court.

2.8.2 REQUEST PROCEDURE

1. Employees requesting a free training and professional development opportunity will:

a) Submit a request in PowerDMS utilizing the Training Request feature. Information regarding the training and development opportunity must be attached to the request (brochures, emails, website information, etc.) Court leave forms must be included, if applicable.
b) All requests for free training and development opportunities will be reviewed by the Police Training Coordinator prior to forwarding the request through the employee's chain of command. Once the review is complete, the Police Training Coordinator will forward the request to the Court Liaison Coordinator and the employee's chain of command.
c) Once the training request is approved by the Division Commander or their designee the Police Training Coordinator will complete the request, identify any additional information needed from the employee.

2. Employees requesting a funded training and development opportunity will:

a) Submit a request in PowerDMS utilizing the Training Request feature. Information regarding the training and development opportunity must be submitted with the school request form (brochures, emails, website information, etc.)
b) The employee will identify and calculate all costs associated with the training, and document these costs under the "Fee" category of the training request. supporting documentation, court leave form, and supporting memo (if applicable) should be attached to the training request.
c) All requests for funded training and development opportunities under $1,500 must receive approval through the employee's chain of command to the Assistant Chief or

his/her **designee**. This process needs to be requested greater than 45 days from the date of training to allow for time to process the request.

All requests for funded training and development opportunities above $1,500 must receive approval through the employee's chain of command to the Chief of Police or his/her **designee**. This process needs to be requested greater than 45 days from the date of training to allow for time to process the request. If there is a $250 or higher cost difference in the training amount when the cost is verified by the Training Coordinator, the Training Coordinator will request a second approval from the Chief of Police or his/her designee before processing the request.

3. Procedures for members assigned to Chief's Staff

   a) Public Information Office (PIO) requests which require no funding will go through the Sergeant assigned to the PIO for final approval. If the Sergeant over the PIO makes the request, then final approval is up to the Chief of Staff Major.
   b) Crime Information Center (CIC) requests which require no funding will go through the CIC Manager for final approval. If the CIC Manager makes the request, then final approval is up to the Chief of Staff Major.
   c) Office of Professional Standards (OPS) requests which require no funding will go through the OPS Captain for final approval.
   d) All training and development requests for the Chief of Staff Major and OPS Captain will be subject to the approval from the Chief of Police.
   e) Routings for Training and Development Requests from Chief's Staff requiring funding:
      1. PIO = Sergeant, Chief of Staff Major, and then the Chief of Police
      2. CIC = CIC Supervisor, Chief of Staff Major, and then the Chief of Police
      3. OPS = OPS Commander and then the Chief of Police

2.8.3 EXPENSES, REIMBURSEMENT AND TRAVEL TIME

Reimbursements will be made to employees for expenses incurred while attending training and development on approved school requests as described below. The Department will not reimburse an employee for training that they attend on their own time off and will not require an employee to pay for a school that they attend on duty time. Receipts must be turned in on the employee's next possible duty day following completion of the training or development opportunity.

A. Travel Expenses

1. Travel costs will be included for all training and development requests that are approved by the Department. On some occasions expenses will need to be reimbursed for some transportation costs such as taxis, shuttles, gas, parking, luggage, etc. The Department will reimburse for one bag and will not reimburse for multiple bags or overweight luggage fees.
2. Department issue fuel cards should be used when available and do not require a receipt. All other gas purchases require a receipt for reimbursement to occur.
3. On those occasions it is the responsibility of the employee to submit the appropriate receipts for reimbursement. Receipts must include date, time, type of cost and the amount, full name and address of the company. Employees will coordinate to car pool to training and development opportunities when multiple employees are attending the same event.

B. Meal Expenses

The employee is responsible for calculating per diem using the Federal Domestic per diem rate for out-of-town schools. Receipts are not required to be turned in for meals with the exception of some grant-funded trainings. Per Diem is only provided for training and development opportunities that require an overnight stay.

C. Accommodation Expenses

1. The employee is responsible for gathering a preliminary quote for a hotel room and attaching that information with the training request for approval by the employee's Chain of Command.

2. Hotel receipts, airline baggage receipts, taxi receipts, etc. are required to be submitted by the employee immediately upon return from any training or development opportunity. Employees are responsible for contacting the appropriate vendor to obtain copies of receipts not submitted to the Police Training Coordinator.
3. Employees are responsible for settling any expenses charged to their room outside of the cost of accommodations, parking and related taxes.
4. Hotel receipts turned in will only reflect the expenses that the Police Department is responsible for covering.

D. Other Fees and Expenses

Employees attending training and development that incur other expenses related to the training such as books and materials shall coordinate with the Police Training Coordinator for reimbursement. Receipts are required for other fees and expenses in order to be reimbursed.

E. Travel Time

1. The employee or their supervisor is responsible for identifying the travel dates and the location and dates of the training and development opportunity.
2. Non-Exempt employees will be compensated for travel time that is beyond their normal shift schedule when travel requires more than a thirty-minute drive from the Police Administration Building, Training Center, Central District or Cross Creek District to the location of the training and development opportunity.
3. Refer to the City of Fayetteville Classification and Compensation Manual for further guidance.

F. Time Cards

1. Non-Exempt employees will annotate their time while attending training and development utilizing the "Professional Development" pay code in FayPay. Employees will not use "admin pay" as a pay designator for training and development days.
2. Non-Exempt employees will be required to use leave time when the training and development opportunity is less than their normal shift schedule during a work week.

2.8.4 REFERENCES

O.P. 10.2 Personnel and Payroll

City of Fayetteville Classification and Compensation Manual

CALEA Law Enforcement Standards	33.1.3
CALEA Communications Standards	N/A
CALEA Training Academy Standards	N/A

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**		**Number** **2.9**
	Subject **OPERATION OF THE TACTICAL TRAINING FACILTIY**		
	Last Revised 02 July 2026	Effective Date 31 July 2026	**Page** 1 of 1

2.9.0 OBJECTIVE

To establish rules and guidelines for the safe and effective use of the Tactical Training Facility (TTF).

2.9.1 FUNCTIONS

A. The TTF is a specialized training facility, primarily used to provide realistic training for indoor shoot/ don't shoot scenarios. In shoot/don't shoot training; the TTF can be configured in numerous scenarios to put the officer through tactical exercises that would closely approximate actual work situations.

B. Other non-shooting training that lends itself to a building environment, such as crime scene preservation and responding to domestic situations, can also be conducted in the TTF.

2.9.2 GUIDELINES

A. No officers will train in the TTF without prior approval of the Training Lieutenant or Sergeant.

B. All training conducted in the TTF must be done according to a lesson plan approved by the Training Lieutenant or Sergeant. This lesson plan will specify the learning objectives of the exercise, as well as the actions on the part of the officer that constitute a successful completion of the exercise.

C. While participating in force-on-force or reality-based training exercises in the TTF, all officers and observers will wear a full face shield with hood or protective goggles. If the officer does not have the required protective equipment, the department and/or Training Center staff will provide the appropriate protective equipment for the duration of the training. A safety officer is required to check all participants and observers prior to entering the TTF to prevent any weapons from entering the facility.

D. No live fire training is authorized inside the TTF.

2.9.3 REFERENCES

CALEA Law Enforcement Standards	N/A
CALEA Communications Standards	N/A
CALEA Training Academy Standards	N/A

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

2.10.0 OBJECTIVE

To establish rules and guidelines for the safe and effective use of the rappelling tower.

2.10.1 FUNCTIONS

The rappelling tower is a specialized training facility, primarily used to provide realistic training for individuals that are assigned to specialized units and are seeking additional advantages by means of ingress into an area that may otherwise jeopardize their safety.

2.10.2 GUIDELINES

A. No officers will train on the rappel tower without prior approval of the Training Lieutenant or Sergeant.

B. The tower will not be used during thunderstorms or excessively high winds. If ice is present, or if the platform is slick from rain, rappelling will be delayed until conditions are safe.

C. The rappel instructor is in charge of the tower. He conducts a visual and physical inspection of every item of equipment to include the structural lumber and timber, ladder, platform floor and all anchor points. This inspection will utilize a checklist and will take place before every use of the tower and at a minimum, on a bi-annual basis.

D. All rope stations are rigged with two anchor points. The rappel instructor removes all the slack between the knots to create equal tension on the anchor points.

E. The rappel instructor ensures participants have a basic understanding of requirements and safety procedures before conducting training.

F. The following personnel and UIAA or CE approved equipment must be present during tower training:

1. Two rappel ropes for each rappel station.
2. One safety officer who will be responsible for ground safety and conducts initial inspections of all safety equipment. In some training scenarios a second safety officer will be present at the top of the tower to assist the rappel instructor. The rappel instructor will determine if a second safety officer is needed.
3. One rappel instructor who is responsible for the overall safety of rappelers. He/she ensures that all equipment (installation, unit, and personal property) is serviceable and personally supervises the rappelling operation.
4. One belayer for each rope station - rappelers alternate stations.
5. One public safety or medical evacuation vehicle with driver.

2.10.3 SAFETY BRIEFING

A. A safety briefing will precede all rappel operations.

B. The rappel instructor briefs all personnel on safety to include the following instructions:

1. Each rappeler ensures loose clothing and equipment are secured.
2. Rappel seats are tied by the trainee and inspected by the rappel instructor before conducting any type of rappelling operation.
3. Rappelers climb the tower only when directed by the rappel instructor.

4. Rappelers stay in the center of the tower until instructed to move to a rappel point by the instructor or a safety officer.
5. No more than three personnel are behind each rappelling point to include the instructor. The instructor has the right to waive this requirement depending on the type of training being conducted.
6. If using a troop ladder, only three people are on the ladder at one time. Individuals do not climb the ladder until told to do so by a rappel instructor.
7. The rappel instructor, safety officer and anyone else standing near the edge of the top of the tower **must** wear fall protection (safety harness). The falls protection **must** be attached to an anchor point.
8. No one should lean or sit on the railing or banisters of the tower.
9. No one is allowed within three feet of the edge of the tower without being secured.
10. Heavy-duty gloves are required for all rappel training.
11. Kevlar helmets with chinstraps fastened are worn during towing rappel training.
12. The rappeler ensures that he has a belayer on his rope.
13. The belayer does not wear gloves and keeps both hands on the rope at all times. He/she also faces the rappeler at all times.
14. No running is allowed on the tower.
15. No smoking or eating is allowed on or near the tower.
16. All participants who are unable to rappel, lack confidence or refuse to rappel are reported to the rappel instructor. These participants are immediately removed from the training area.
17. The rappel instructor and safety officers must be aware of overconfidence and carelessness of some rappelers.

2.10.4 RAPPELLER

A. Rappel qualification requirements apply to the individual rappeler.

B. Participants in tower rappel training **shall** complete the following requirements under the supervision of a rappel instructor.

1. Identify all rappelling equipment.
2. Demonstrate the construction and attachment of the rappel seat and the rappel rope to the seat.
3. Identify unsafe attachments, equipment, rope connections and seat construction.
4. Define terms used in rappelling operations.
5. Understand and demonstrate rappel commands.
6. Demonstrate rappelling positions.
7. Demonstrate belaying procedures.
8. Exhibit satisfactory performance from a rappel tower.
9. Demonstrate the ability to lock in.

2.10.5 BELAYER

A. Belayer requirements are a subtask of basic rappel requirements. Individuals must know how to belay before conducting rappelling training.

B. The belayer must be able to conduct to following tasks:

1. Assumes a position at the base of the lane about one pace away from the tower area.
2. Ensures that the rappel ropes are even with the ground during tower rappel.
3. Loosely holds the rappel rope with both hands so as not to interfere with the rappeler, but still be able to stop the rappeler should he fall.
4. Immediately stops the rappeler by pulling downward on the rappel ropes if the rappeler shouts, “falling” or loses control of his brake hand during descent.
5. Does not wear gloves to ensure a firm grip on the rappelling rope.
6. Watches the rappeler at all times and maintains constant voice or visual contact.
7. Wears a helmet and eye protection to prevent injuries from falling debris.

2.10.6 SAFETY OFFICER

A SAFETY OFFICER IS ANY OFFICER WHO HAS RECEIVED A LOCAL, STATE OR NATIONAL RAPPELLING CERTIFICATION.

2.10.7 RAPPELLING INSTRUCTOR

A. Rappel instructors must successfully complete a local, state or national certified instructor course that covers the following topic areas:

1. Duties and responsibilities of a rappel instructor.
2. Safety standard operating procedures, regulations and references.
3. Construction of a deployment bag.
4. Conduct an equipment rappel off the rappel tower.
5. Conduct a lock-in.
6. Talking a rappeler through completion of a rappel.
7. Conduct ground training.
8. Inspecting for proper hook-ups.
9. Inspecting and maintaining equipment.
10. Inspecting and maintaining snap links.
11. Inspecting and maintaining rappel gloves.
12. Inspecting and maintaining rappel ropes.
13. Tying knots, safety lines, and rappel seats.
14. Inspecting rappel seats.
15. Aircraft rigging for rappelling operations.

B. In addition to certification, rappel instructors must have an outstanding disciplinary record and have a minimum of two years' experience with the Fayetteville Police Department. Qualified candidates will be reviewed and chosen by the Bureau Commander.

2.10.8 SNIPER TRAINING

A. The tower may be utilized for sniper training. The following will always apply when utilizing the tower for this purpose.

B. No sniper training will take place without prior approval of the Training Lieutenant or Sergeant.

C. A firearms instructor must be present during sniper training.

D. After approval for training has been obtained and before any shots are fired, snipers must:

1. Post a range flag.
2. Follow all department firearms safety procedures.
3. Ensure that the area down range is clear of all personnel before firing.

E. All rounds fired will impact designated area.

By Order Of: Harold E. Medlock
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **3.1**
	Subject **PATROL OPERATIONS**	**Effective Date** 3 September 2025
	Revised 10-18-88, 07-21-93, 02-25-02, 09-10-04, 02-07-08, 10-14-13, 3-25-14, 08-23-16, 04-08-24	**Page** 1 of 5
	CALEA Standard 12.1.4, 22.1.6, 33.5.2, 41.1.1, 41.2.2, 41.2.4, 41.3.2, 41.3.3, 42.1.4, 42.2.1, 82.2.1, 82.2.2, 83.2.1	

3.1.0 OBJECTIVE

To establish guidelines for the general organization, administration and operations of the Patrol Districts for the Fayetteville Police Department (FPD).

3.1.1 PATROL FUNCTIONS

Patrol Operations are the primary law enforcement function of the FPD and includes the following activities:

1. Directed patrol activities intended to reduce / prevent crime and motor vehicle accidents.
2. Crime prevention.
3. Response to calls for police service.
4. Investigation of criminal activity, traffic accidents, and non-criminal incidents.
5. Apprehend and arrest offenders.
6. Traffic control.
7. Coordination and assistance in emergency services.
8. Community policing activities.
9. Dissemination of information to appropriate divisions/units within the FPD and City government, as necessary.
10. Using Crime Information Center (CIC) resources to focus resources in the appropriate location, develop problem-solving projects and identify repeat offenders.

3.1.2 ORGANIZATION AND ADMINISTRATION

A. Patrol District Goals and Objectives

1. To provide police services and enforcement 24 hours a day in coordination with other areas of the FPD.
2. To provide preliminary investigations of reported criminal acts and traffic accidents, including the apprehension of criminals, violators and wanted persons.
3. To initiate actions directed toward the reduction or elimination of criminal activity and other hazards through problem solving methods using CIC resources and other available technology.
4. To promote positive rapport between the police and the community.
5. To direct specialized operations towards targeted problems and emergency situations.
6. To provide police services during special events.

B. Coordination and Cooperation

Patrol officers will cooperate with other areas of the FPD and coordinate the exchange of information through the following:

1. Preparation and submission of all required police reports.
2. Attendance by a Major Crimes Investigator at patrol shift roll calls to facilitate the exchange of information about current criminal activities when a trend is identified and other areas of mutual concern.
3. Utilization of the Information Exchange to ensure that necessary information is transmitted to appropriate divisions/units.
4. Participation with officers from other divisions in problem solving projects, task force operations and other joint efforts.

5. Personal contact with officers of various divisions of the FPD or other City employees for specific information.

C. Availability of Service

1. The FPD operates 24-hours a day in order to provide continuous law enforcement services to the community. The FPD will provide consistent levels of police service when responding to emergency and non-emergency calls, preventative and directed patrols, and criminal and traffic investigation and enforcement.
2. In order to provide and maintain patrol coverage, the Patrol Districts utilize a shift system that requires patrol officers to remain in their assigned areas to respond to calls for services and criminal activity until the oncoming shifts have checked in-service for shift change. The patrol shifts are composed of teams of officers, each of which has scheduled days of work and scheduled days off from duty. Each patrol shift is commanded by a Patrol Lieutenant and managed by two Patrol Sergeants who are directly responsible for the day-to-day supervision of the patrol officers assigned to the squad. Assignments of patrol officers to the patrol squads will be based on call volume by time of day and in a manner to allow for a span of control for each squad Sergeant.

D. Personnel Assignments

1. Officers will be assigned to patrol shifts based on existing demands for police services and availability of total manpower within the FPD. Management decisions, officer choice or seniority can influence specific assignments. The need for officers with special certification or training will also be considered when assigning officers to shifts. Such areas may include radar certification, intoxilyzer certification or Police Specialist status.
2. Officers will be assigned to patrol sectors by shift supervisors. Sector assignments will be made in a manner that ensures adequate patrol coverage in all designated areas of sector responsibility. The assigned officer is responsible for the basic patrol coverage of the assigned sector during the officer's tour of duty. Squad supervisors will assign specific officers to specific sectors according to criteria such as management decisions, crime trends, officer choice, seniority, special skills, training or certifications.
3. While shift and sector assignments are generally permanent, changes will be made on an individual basis in a manner that will provide for the most effective delivery of police services.

E. Roll Call Procedure

Roll call for patrol will be conducted each day during the first ten minutes of the scheduled work shift. During roll call, supervisors will conduct inspections of officers and equipment and brief them on any information regarding the following:

1. Daily patrol activities, particularly any unusual situations, crime trends, patterns and concerns.
2. Changes in the status of wanted persons or stolen vehicles.
3. Changes in schedule or assignment.
4. New procedures or changes in current procedures. Review of all FPD and division directives and memorandums at roll call and in PowerDMS.
5. Hazardous conditions or events that have been brought to the attention of supervisors. This information may be developed by patrol officers, FPD supervisors, Major Crimes Investigators, the Crime Analyst or outside agencies.
6. Any changes in major investigations, wanted persons or vehicles of particular interest to a Detective. A Detective roll call representative may receive information from the patrol officers regarding ongoing investigations.
7. Roll call training.

Roll call should not exceed ten minutes and all officers should check in-service with dispatch within ten minutes of the start of each shift.

F. Multi-Unit Response

1. Response to some call types and incidents may require several officers to deal effectively and safely with the problem. The major factors to be considered in determining the number of officers to be assigned to a call will be the nature of the incident and whether the incident is in-progress or not. The following in-progress calls will require at least a two-unit response. Units dispatched to these call types shall standby for backup unless there is an immediate threat of bodily harm, serious injury or threatened use of a weapon.

    a) Homicide
    b) Serious assault
    c) Rape and sexual assault
    d) Robbery
    e) Burglary
    f) Assault in progress involving weapons or violence
    g) Domestic disturbances
    h) Suspect leaving the area where a weapon is involved
    i) Mental Health calls for service

2. Some of the above listed calls will not require more than one officer if it is no longer in progress and the suspect has left the area.

G. Foot Patrols, Bicycle Patrols and Other Special Activities

Lieutenants and shift supervisors may coordinate foot and bicycle patrol locations on the basis of need in a particular area and as manpower levels permit. When engaged in foot or bicycle patrol activity, officers will interact with residents providing information on crime prevention programs and crime trends in the area. Contacts in neighborhoods provide opportunities for partnering with residents and working on crime problems together. Walking and bicycle patrol officers will handle calls for service that occur in the area they are assigned.

3.1.3 OPERATIONS

A. Patrol Officer Responsibilities in Preliminary Investigations

1. Patrol officers will conduct preliminary investigations of any crime or incident requiring initial response by the FPD. The patrol officer's preliminary investigative responsibilities include:

    a) Providing aid to the injured, pending arrival of medical assistance.
    b) Securing and protecting the crime scene to ensure that evidence is not lost or contaminated. Crimes scenes should be established with the use of crime scene tape to designate inner and outer crime scene perimeters.
    c) Determining if an offense has been committed and if so, the exact nature of the offense and the detailed circumstances of the offense.
    d) Determining the identity of the suspect(s) and making the arrest either at the scene or through immediate follow up investigation.
    e) Providing other field units with descriptions, method and direction of travel and other relevant information concerning wanted persons or vehicles through radio communications.
    f) Gathering information from the victim(s) and witnesses and separating witnesses where the potential for involved parties to discuss the situation could impact the investigation.
    g) Arranging for the collection of evidence and photos of the scene.
    h) Obtaining complete identification of all victims, witnesses and suspects including full name, age, date of birth, physical description, and current address and phone number. The officer must ensure the information provided is current and up to date. Officers should not auto-populate information into CAD/MFR/RMS without verifying the information is current.
    i) Verifying the identity of witnesses, victims and suspects using the electronic technology that is available.

j) Record accurately and completely all pertinent information using official reporting systems and forms.
k) Complete all reports in the departmental approved format.
l) Determining the necessity of follow-up surveillance of the crime scene.

2. As soon as the preliminary investigation is concluded by the patrol officer, the initial investigative report should be completed, including all information obtained at the scene of the offense and whether a Forensic Technician was called or not. Upon completion of the preliminary investigation, as time permits, the patrol officer will continue to follow-up on the incident until all reasonable leads are exhausted. For serious crimes, detectives or specialized personnel will be called and will assume responsibility for the completion of the investigation. Patrol officers will also discontinue the follow-up when it exceeds his/her scope of authority, is limited by time or restricted by distance.

3. The procedure above will also apply to follow-up investigations conducted by patrol officers in cases that are assigned for follow-up through the case assignment process. All cases assigned to patrol officers for follow-up will be managed according to the Operating Procedure 5.5 entitled, Department Case Processing.

B. Supervisor Responsibility

1. Each Patrol shift supervisor or Lieutenant will respond to situations or incidents that occur within his/her respective area that may require a supervisor to assume command. Situations that require a supervisor will include but are not limited to the following:

a) Hostage situations
b) Barricaded subjects
c) Kidnapping
d) Disasters
e) All violent crimes in progress and violent crimes resulting in serious injury
f) Homicides or questionable death call
g) Armed robberies, bank robberies
h) Rapes, sexual assaults
i) First-degree burglary and home invasions
j) Serious injury or fatal accidents involving motor vehicles and pedestrians
k) Injured officers
l) Accidents involving police equipment
m) Serious fire calls
n) Complaint, incident involving officer
o) Use of force incidents
p) Violent mental subjects or subjects exhibiting signs of mental distress
q) Physical Domestic Disturbances

2. If a supervisor is unable to respond to a call of the above nature, then the on-duty shift Lieutenant will respond.

3. Patrol Lieutenants

Patrol Lieutenants are responsible for specifically assigned geographic areas for evaluating crime trends and patterns, following up and resolving citizen concerns, and possessing a working knowledge of the characteristics and challenges of their assigned district. Patrol Lieutenants coordinate with patrol shift sergeants and officers for problem solving projects, saturation patrols, moving traffic enforcement, special operations and other activities to address district crime and community concerns. They are responsible for providing guidance and direction to officers/supervisors working in their sectors for special projects, operations, and for identifying creative approaches and responses to crime. Patrol Lieutenants are responsible for developing community contacts and resources within their district, building rapport with citizens in residential

and business areas and for developing community policing opportunities with patrol sergeants and officers.

4. Informants

Patrol officers who have a need to utilize an informant must do so in accordance with FPD policy. Patrol officers must comply with all procedures that relate to the selection of informants, informant management and control, female and juvenile informants, and other information that relates to maintaining the confidentiality, reliability and identity of informants. Patrol officers with approval of their immediate supervisor will coordinate with the Narcotic/Vice Suppression Unit for assistance with informants, master informant file development, and coordinating for the use of confidential funds.

5. Teleserve

In many instances, calls for police services do not require the on-scene response of a patrol officer. Such calls may be handled through the FPD's website www.fayettevillenc.gov/City-Departments/Police-Department, by telephone, and by walking in and reporting during normal business hours or by referral. This process allows for more efficient use of patrol resources and provides more convenient reporting for citizens. All calls for police service that do not require an on-scene response by a patrol officer will be evaluated and handled in accordance with the Operating Procedure 8.2 entitled Teleserve Operations.

3.1.4 REFERENCES

WD 5.3	City Vehicles Assigned to Police Personnel
O.P. 2.3	In-Service, Roll Call and Remedial Training
O.P 5.5	Department Case Processing
O.P. 5.7	Preliminary/Follow-Up Investigations and Constitutional Requirements
O.P. 8.2	Teleserve Operations
O.P. 11.02	Bicycle Patrol Unit

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

3.2.0 OBJECTIVE

The problem-solving process is a Department wide responsibility and most employees have the opportunity to identify and respond to crime concerns based on their areas of expertise. The objective of the problem-solving process is to respond to Department and community concerns of criminal and suspicious activity and develop a planned response for reducing or eliminating the activity.

3.2.1 PROBLEM SOLVING PROCESS

A. Scanning - Identifying potential problems and determining if more attention is required.

B. Analysis - Finding the characteristics, scope, and consequences of the problem by collecting information from all appropriate sources (see Problem Analysis Model which follows).

C. Response - Developing and implementing a solution to the problem by utilizing whatever resources are appropriate from within the department as well as through the mobilization of those in the public and private sector who have a stake in the problem.

D. Assessment - Determining whether the response was implemented correctly and whether it had the desired effect on the problem.

E. Problem Analysis Model

1. This set of guidelines is to be used in the analysis stage of the problem-solving process and is comprised of the following three-part checklist:

    a) Actors - The characteristics and role of victims, offenders, and third parties (e.g., witnesses, bystanders, and informants) who are involved with the problem.
    b) Incidents - The characteristics and role of the physical setting and social context within which the problem takes place as well as the actions of the actors before, during and after the events that create the problem.
    c) Responses - The reactions of the citizens and public private organizations to the occurrences of the events that make up the problem.

2. Problems will be addressed with a goal of accomplishing one or more of the following types of solutions designed to:

    a) Totally eliminate the problem.
    b) Substantially reduce the problem.
    c) Reduce the harm created by the problem.
    d) More effectively handle a problem, reduce costs and increase efficiency.
    e) Remove the problem from police consideration.

3.2.2 ADMINISTRATION

A. Sector Lieutenants have the primary responsibility for ensuring that supervisors are familiar with the problem-solving process and are addressing the crime issues within their area of responsibility using this process.

B. Sector Lieutenants will focus efforts on the scanning stage of the system; however, all patrol officers and supervisors are responsible for community engagement activities and becoming knowledgeable of the issues and concerns that are present within their area of assignment.

C. Sector Lieutenants and/or Patrol Supervisors will ensure that first year officers receive training on the problem-solving process during field training.

3.2.3 IMPLEMENTATION

A. All patrol supervisors and personnel are responsible for identifying solutions and formulating a response to address problems and citizen concerns in their assigned areas of responsibility. Sector Lieutenants and Patrol Supervisors will identify potential problems and utilize crime reduction strategies to address crime and quality of life issues.

B. Sector Lieutenants have the primary responsibility for gathering information from various internal and external sources and directing supervisors and sectors officers to respond to recent crime trends and concerns and coordinating for resources to work on the trend or concern.

C. Patrol Supervisors are responsible for supporting the assignments of the Sector Lieutenants and officer-initiated efforts and encouraging officers to proactively identify problems in their area and assist with solutions for investigating and following up to reduce or eliminate the problem.

D. The Department encourages residents and businesses in community watch meetings to get involved and call the Department when they observe suspicious activity. Community involvement and engagement activities are paramount for stakeholder involvement and commitment to reduce crime in the neighborhoods. All Department employees play a role in community policing and building relationships with those who live or travel in the Fayetteville community.

E. Citizen initiated concerns are received through 911 Communications, calling Teleserve or the Central Records Unit, direct calls to Sector Lieutenants and calls received by other areas of the Police Department. Patrol Supervisors will ensure that citizen concerns are addressed in a timely manner and coordinate follow up activity with the respective Sector Lieutenant. Response to these concerns may require short-term or long-term problem-solving projects. Patrol Supervisors will assist officers with identifying methods for substantiating citizen concerns that could lead to further investigation. Feedback will be provided to the citizen when a concern cannot be substantiated.

F. The Crime Analysis Unit (CAU) is a resource for assisting with the identification of patterns and trends to determine if they present a situation appropriate for application of the problem-solving process. On request the CAU will provide analytical information to employees for the problem-solving process.

G. Sector Lieutenants are responsible for maintaining records on the problem-solving efforts in their area of responsibility. These will be available for use by employees working on locations where crime and activities continue to occur.

By Order Of: Harold E. Medlock
Digitally Signed

3.3.0 OBJECTIVE

To establish procedures for assigning call priorities for all police calls for service.

3.3.1 DEFINITONS

Priority One – Life-threatening or potentially life-threatening emergencies. Emergency call that requires an immediate response, and there is reason to believe that an immediate threat to life exists.

Priority Two – Emergency call that requires an immediate response, and an immediate and substantial risk of major property loss or damage exists.

3.3.2 PRIORITY CALL CLASSIFICATIONS

A. All police calls are pre-programmed in the Computer Aided Dispatch (CAD) System.

1. Priority One-calls require the immediate dispatch of any available police officer or supervisor.
2. Priority Two-calls require the immediate service of any uniformed police officer or supervisor.
3. Priority Three-calls require the dispatch of a police officer within 10 minutes.
4. Priority Four-calls require the service of a police officer within 20 minutes.
5. Priority Five-calls require the service of a police officer within 30 minutes.
6. Priority Nine-calls do not require the dispatch of a police officer and can be handled by Teleserve personnel.

B. The police department shall assign a priority to each type of call identified by the police department and the communications department. The priority shall be attached to the call type through the CAD system causing the priority of a call to be automatically assigned to the call.

C. A particular call for service may be upgraded or downgraded at any time due to circumstances that are revealed that may change the need for normal response to the type of call received. Upgrading or downgrading the priority of a call for service is at the option of Communications personnel and officers responding to the call.

D. Review of computer generated priority assignments will be completed as needed by the police department. Any changes deemed necessary will be made by Communications Division at the direction of the police department.

3.3.3 TELESERVE

Calls for service that do not require the presence of a police officer are listed in and must be handled in accordance with the Operating Procedure entitled Teleserve.

3.3.4 COMMUNICATIONS

A. Telecommunicators will screen incoming calls for service to determine if a patrol unit should respond or if Teleserve may process the call.

B. The standard rule for a Priority One call will be to dispatch the closest unit as determined by Automatic Vehicle Locator (AVL); the closest unit may or may not be in the call's district/sector.

However, at no time will an officer or supervisor cancel the officer that was dispatched by the AVL until a unit has arrived on scene and determined that the emergency has been stabilized. If no unit is available, then the Patrol Supervisor will be notified immediately for guidance on which unit to re-direct.

C. The standard rule for a Priority Two call will be to dispatch an available unit. If there is no unit available in the district, the Patrol Supervisor will advise which unit to re-dispatch to the call or advise the Telecommunicator to contact the other districts for support.

D. Calls requiring multi-unit response will be dispatched as identified in Operating Procedure entitled Patrol Operations.

E. No call will be held for more than the designated time limit for its assigned priority without notification to the patrol supervisor via radio (advise the sergeant of details; weapons, multiple injuries etc.). Thereafter, the supervisor shall be notified for the designated priority of call within designated time frame for that call.

3.3.5 OFFICER RESPONSE

A. Regardless of call classification, once a call has been dispatched the assigned officer will respond. Officers will respond to all calls in accordance with the Written Directive entitled Vehicle Operations and Pursuits.

B. Dispatched calls will take priority over self-initiated activities that do not require immediate police action. If an officer encounters a situation en route to a dispatched call that requires immediate police response, Communications will be notified immediately to re-dispatch the original call. If the situation does not require immediate action, the Communications Division will be advised of the situation to dispatch another unit if necessary.

C. Negative Response

When the telecommunicator calls an officer over the police radio system, the officer will promptly reply to the telecommunicator with their call sign and location. If after three attempts by the telecommunicator an officer does not respond, a patrol supervisor is to be immediately notified. The closest available unit will be dispatched to the officer's last known location in an attempt to locate and check on the officer. The officer's supervisor will assume responsibility for locating the officer.

3.3.6 REFERENCES

WD 4.2	Vehicle Operations and Pursuits
OP 3.1	Patrol Operations
OP 8.2	Teleserve Operations

By Order Of: Kemberle Braden
Digitally Signed

3.4.0 OBJECTIVE

To establish procedures for radio communications. The Communications Center is a division of the Fayetteville Police Department and provides a dispatching service to the Police, and Fire Department. It is the responsibility of police personnel to adhere to the following guidelines.

3.4.1 RADIO ASSIGNMENT

Portable police radios and mobile police radios in assigned police department vehicles are assigned and programmed based on the officer/division. The Administrative Bureau is responsible for all portable radio and mobile radio programming and assignment. Portable radios and police department vehicles will not be traded between departmental personnel without approval from the Administrative Bureau.

3.4.2 PRIMARY DISPATCH GROUPS

Primary dispatch talk-groups are logged and monitored at the Communications Center; they are also in the "scan" mode on all police radios.

1. 1A - Campbellton District dispatch talk-group (A CAMP)
2. 2A - Central District dispatch talk-group (A CENT)
3. 3A - Cross Creek District dispatch talk-group (A CCRK)
4. 5A - Special event and support (A TRAF/SPEC)

3.4.3 CITYWIDE TALK-GROUP

Talk-groups 1B through 5B are used as the citywide talk-groups; they are talk-groups that go through the repeaters and have the same coverage as the dispatch radio talk-groups. These talk-groups are not monitored at the Communications Center.

3.4.4 EVENTS TALK-GROUP

The Events (talkgroups 4A-TAC1, 5A -TRF/SPCL and 4B- ADMIN/OPS SEC, 5B- TRF/SPCL) will be used for parades, special events, training and situations when traffic would overload a dispatch radio talk-group.

3.4.5 UNIT TALK-GROUPS

The following units have talk groups assigned to them.

1. CM CERT – 6A
2. CN CERT – 7A
3. CC CERT – 8A
4. Narcotics Unit – 9A and 9B(secure/encrypted)
5. VCAT – 10A and 10B(secure/encrypted)
6. MCD – 11A and 11B(secure/encrypted)
7. Gang Unit – 12A and 12B(secure/encrypted)
8. Emergency Response Team – 13A and 13B(secure/encrypted)
9. Airport personnel – 6C (used only to contact AP officer for official business)
10. Supervisory channel for Sergeants and above – 12C(secure/encrypted)

3.4.6 PUBLIC SAFETY / CITY / MUTUAL AID TALK-GROUPS

To communicate on Public Safety, City or Mutual Aid Talk-groups (14, 15 or 16), the caller will have to coordinate through dispatch to notify the appropriate persons.

1. Public Safety Talk-groups: The Public Safety Talk-groups, 14A, 14B and 14C are for use by police and fire personnel during situations when communication between the two departments is necessary.

2. City Talk-groups: The City Talk-groups, 15A, 15B and 15C are for situations when communication between police units and other city departments is necessary.

3. Mutual Aid Talk-groups: The Mutual Aid Talk-groups, 16A, 16B and 16C will be used when local law enforcement and fire agencies that utilize our 800 Mhz system must communicate with each other.

3.4.7 NATIONAL PUBLIC SAFETY TALK-GROUPS (NPSPAC)

A. The following NPSPAC talk-groups are conventional talk-groups which go through repeaters and are on most 800 Mhz Public Safety systems nationwide. Radios are programmed with the standard channel nomenclature for public safety interoperability channels.

1.	1C (CAMP T/A)	Line of site police talk-group	Non-repeated
2.	2C (CENT T/A)	Line of site police talk-group	Non-repeated
3.	3C (CCRK T/A)	Line of site police talk-group	Non-repeated
4.	5C (SPECIAL T/A)	Line of site	Non-repeated
5.	7C(8CALL90)	National Public Safety Talk-group	Repeated
6.	8C(8TAC91)	National Public Safety Talk-group	Repeated
7.	9C(8TAC92)	National Public Safety Talk-group	Repeated
8.	10C(8TAC93)	National Public Safety Talk-group	Repeated
9.	11C(8TAC94)	National Public Safety Talk-group	Repeated

B. The following are VIPER or State system, state wide talk-groups. They are assigned to the FPD and can be used outside of the city. When using the VIPER talk-groups we must keep traffic at a minimum to avoid overloading their system.

1. Zone V, Channel 1 (V FPD 1) will become CAMP dispatch and operations channel in the event of a City System failure.
2. Zone V, Channel 2 (V FPD 2) will become CENT dispatch and operations channel in the event of a City System failure.
3. Zone V, Channel 3 (V FPD 3) will become CCRK dispatch and operations channel in the event of a City System failure.

C. In the event of a failure of the City 800 MHz Trunked Radio System, Police radio users will turn to the Viper channels as a FIRST effort to reestablish radio communications. If the VIPER system is not available Police radio users will turn to the NPSPAC channels as a SECONDARY effort to reestablish radio communications. All users should be familiar with which channels to turn to and where they are located in their radios. From Zone A- Press "ZnDn" button once to reach Zone V.

1. Campbellton District switch to V VFPD 1 or C CAMP T/A (if VIPER is down)
2. Central District switch to V VFPD 2 or C CENT T/A (if VIPER is down)
3. Cross Creek District switch to V VFPD 3 or C CCRK T/A (if VIPER is down)

3.4.8 OPERATIONS

A. All department personnel will adhere to the following when talking on the radio communication channels:

1. Use plain English radio communications. The only authorized ten code will be "10-4"
2. Use the established disposition codes (Actions and P Codes).
3. Use the Police Phonetic Alphabet.
4. Use the NCIC Terrorist Category Hit codes.

B. The non-dispatch radio talk-groups and the mobile data terminals/computers should be used for transmitting information between officers/supervisors. **The use of cellular telephones to transmit information between officers and supervisors should be limited to information of a confidential or sensitive nature that should not be readily available for public disclosure.**

C. Initial transmissions directed to an officer will be answered with the officer's call sign and location. When officers check on and off duty, in and out of service; officers will ensure that they are acknowledged by a communication dispatcher. Transmission will not be considered received unless an acknowledgment is heard. If an officer is working by their badge number and are available to answer calls for service then the office will advise Communications of same.

D. Officers will check in and out of service for meals and breaks. The following are not required to check out:

1. Officers assigned in a supervisory or administrative capacity.
2. Officers with supervisory approval.
3. Detectives, when checking out would disclose or interfere with their duties.

E. When officers clear a call, they will give an action code. Officers will give a status report as soon as possible after responding to the scene of a call and will relay location changes as they occur. If an officer utilizes their Mobile Data Terminal to either clear a call or to change location, then the officer will advise communications that the call has been cleared or advise communications of the location change.

F. Negative Response

If an officer/employee is called three times and does not respond, a supervisor will be notified immediately and will ensure that the officer/employee is located.

G. Emergency Activation Button

When depressed, the emergency activation button will automatically alert the dispatcher and the officers in the appropriate talk-group that an emergency has occurred.

H. Officer Initiated Response

Officers will transmit the necessary information when they encounter a situation requiring police assistance. The initiating officer will handle the action unless en route to a prior call. If the situation presents an immediate hazard, the officer will take necessary action to stabilize the situation until relieved. Officers will transmit traffic stop information in the following order:

1. Location of the stop.
2. License tag information given twice (numbers and state [if other than NC]).
3. Make and model.
4. Color.
5. Number of occupants and description when possible.

The dispatcher shall repeat tag information as part of their acknowledgement/good copy of radio traffic (ex. NC Lic. Plate: "10-4 ALPHA 13, TOM-TOM-HENRY-FIVE-THREE-EIGHT-NINE. Other State

Lic. Plate: "10-4 ALPHA 13, TENNESSEE TWO-NINE-ONE-BRAVO-QUEEN-CHARLIE).

If an officer "self-dispatches" themselves to a call pending in CAD then the officer will advise Communications that they have assigned themselves to the call for service.

I. Special Assignments

Supervisors will inform Communications when officers work a special assignment which will preclude the officers from answering calls for service. Special Assignments are defined as short-term assignments such as directed patrols.

3.4.9 RADIO COMMUNICATIONS SAFETY AND SECURITY PROTOCOL

The following protocol will be put into effect when incidents occur that render the communication system inoperable or a situation occurs or develops where over- the- air radio traffic could compromise the safety of the general public and police personnel.

1. The command post will be activated in the CIC and CIC staffing activated based on the type of event.
2. All "on duty/summoned to duty" personnel will respond to the Police Administration Building, 467 Hay St, COMPSTAT Room for personnel accountability, safety, and staging.
3. A Supervisor or their designee will be responsible for identifying and assigning Officers to double up in cars for response to calls for service, critical incidents, and specific locations. Assignment records will be documented for end of incident accountability of personnel.
4. Dispatch of personnel will be coordinated between the Communications Center and the CIC.
5. Unless otherwise directed, Officers equipped with MCT's will communicate from the field via silent communications through MCT with Communications and the CIC.

3.4.10 REQUESTS FOR TAPE PLAYBACK

Clarification of radio or telephone conversations needed to ensure the safety of personnel or citizens may be requested from the Communications Center. The Technical Services Division Lieutenant is the Communications Liaison and will coordinate all requests for recordings of radio or telephone traffic. Personnel requesting tapes will complete a Public Safety Agency Request for Access to Recorded Lines Form. The form will be obtained from and returned to the Communications Liaison who will then obtain the tape from Communications. The tape will be placed into evidence if it is needed for court purposes.

3.4.11 MAINTENANCE

Inoperative or damaged radios will be turned in to the Administrative Bureau for repairs.

By Order Of: Gina V. Hawkins
Digitally Signed

3.5.0 OBJECTIVE

To establish guidelines for searching and securing a subject during arrest, their property on their persons at the time of arrest, and transportation. Officers in the Fayetteville Police Department (FPD) will take necessary precautions to protect themselves, the public and the person in custody.

3.5.1 TREATMENT OF PERSONS IN CUSTODY

Officers shall not mistreat any person or persons who are in their custody. Officers shall handle such persons in accordance with law and departmental procedures.

3.5.2 PROTECTIVE FRISK (PAT DOWN)

A. A frisk is a pat down of outer clothing for weapons. Officers may frisk a person, vehicle or residence if there is reasonable suspicion to believe there is a weapon and a subject may be dangerous. Officers should refer to N.C.G.S. 15A-255.

B. A frisk does not follow automatically from a valid stop. It is justified only if the officer reasonably suspects that the person or people to be frisked are armed and dangerous. While knowledge of past criminal behavior is certainly a factor, non-violent criminal behavior cannot be the ONLY factor to justify a frisk.

C. The search of the passenger compartment of an automobile pursuant to a vehicle frisk is limited to those lungeable areas in which a weapon may be placed or hidden. It is permissible only if the officer possesses reasonable suspicion that the subject is dangerous and the suspect may gain immediate control of the weapons. Factors that the courts consider in determining whether reasonable suspicion exists include furtive movements by the occupants of the vehicle, lack of compliance with police instructions, belligerence, and visible indications that a weapon may be present in the car. North Carolina courts have held that ambiguously furtive movements, standing alone, are insufficient to find reasonable suspicion.

D. Officers may frisk suspects of the opposite sex, recognizing the potential for later misrepresentation by the suspect. Officers may protect themselves with a witness, using the back of their hand, or other method of accomplishing the frisk in a non-sexual manner.

3.5.3 CONSENT SEARCHES

A. Voluntary consent must be freely and voluntarily given by the vehicle owner/operator or homeowner or person in control of the residence. There is no requirement for officers to inform the person of their right to refuse or withdraw consent. Consent is not valid if it is the result of coercion, pressure, or submission to authority.

B. Officers cannot ask for consent to search based on a mere hunch. Officers must be able to articulate at least one reasonable factor suggesting possible criminal activity such as the behavior of the person or the officer's observations. Extreme nervousness alone is not enough to justify a search request. Once consent is given the search must be done quickly and efficiently. The detention time must not exceed what is reasonably necessary. When available, a Canine Team member may assist with the search only if it expedites the search.

C. Officers may use a written consent form when requesting consent to search a vehicle or home. If the person refuses to sign the form, but gives verbal consent then the consent needs to be recorded on the officer's in-car or body-worn camera system.

D. If the person cannot read the consent form then the officer must read the entire form aloud to them. This reading must be captured on the officer's in-car or body-worn camera system.

E. If completed the original Consent to Search form will be turned into CRU. A copy should be maintained by the officer for their record for courtroom testimony purposes or if needed for a felony folder.

F. If the person revokes their consent, the search must stop immediately, unless the officer has established probable cause during the search.

3.5.4 PROBABLE CAUSE TO SEARCH

A probable cause search is a legally authorized search without consent or a warrant. Probable cause is suspicion produced by such facts as to indicate a fair probability that the person seized has engaged in or is engaged in criminal activity. The degree of certainty is fair probability which means more proof than reasonable suspicion.

3.5.5 SEARCH INCIDENT TO ARREST

A. Officers can no longer conduct searches of vehicles incident to every arrest. Officers must be able to articulate that either the arrestee was unsecured at the time of arrest (not recommended) and within reaching distance of the passenger compartment of the vehicle at the time of search, OR that there is reason to believe that there is evidence in the vehicle related to the charged offense. This ruling, more often than not, will prohibit searches incident to arrest when the underlying basis for arrest is a traffic offense and/or outstanding warrants.

B. If officers have reason to believe that evidence of the charged offense is located in the vehicle, the officer may search incident to the arrest of any occupant, the entire passenger compartment (excluding the trunk), including all containers and glove boxes, locked or unlocked.

C. If officers have a reasonable suspicion that a passenger or recent occupant of a vehicle, whether arrested or not, is dangerous and may gain access to a weapon, they may frisk **the passenger compartment for weapons**. Additionally, if officers develop probable cause that the vehicle contains evidence of criminal activity, they may conduct a thorough search of any area in the vehicle where the evidence may be found.

D. Officers may not search incident to arrest and then release on citation. Search incident to arrest requires an actual custodial arrest and is not authorized pursuant to issuance of a citation or service of a criminal summons.

3.5.6 STRIP SEARCH

A. Officers will not strip search a suspect or arrestee unless there is **probable cause to believe he/she is concealing weapons, contraband or evidence <u>and there are exigent circumstances.</u>** A police specialist or above must be present and all parties must be of the same gender or gender identity/expression. Strip searches must be conducted in a controlled and private environment.

B. Strip searches of any person under the age of 18 at the time of the search will be conducted only upon the authorization of a search warrant specifically seeking authorization to perform the strip search, unless the officer has probable cause to believe that evidence of a crime will be located pursuant to a strip search and there is probable cause to believe that exigent circumstances exist which endanger the person to be searched or the officer. Such a strip search will be conducted only in a private room with controlled access. For the sake of the juvenile's privacy rights, no officer in the room at the time of the strip search will have their body worn camera activated. No video recording of any kind will be made of the strip search. Officers may audio record the strip search. Only officers of the same sex as the juvenile shall conduct the strip search. If doing so does not endanger the life, safety, or well-being of the person to be searched or the officer(s) searching, a parent or guardian of the person to be searched may be present for the search. If the person to be searched is over the age of 16, the person to be searched may request to be searched without the presence of a parent.

C. Prior to initiating any strip search, officers will take the necessary precautions to prevent blood borne pathogen (body fluids) contamination. Necessary precautions may include wearing rubber gloves or other protective equipment.

D. Officers will inform the arrested person of their intention to perform a strip search thus allowing the arrested person the opportunity to voluntarily surrender suspected contraband or reveal the presence of a weapon.

E. Officers will document probable cause on the Incident Report, the reason(s) for having the person submit to a strip search and all evidence recovered from the subsequent search.

3.5.7 BODY CAVITY SEARCHES

A. Body cavity searches incident to arrest will only be authorized by the lieutenant in charge of the unit or division. A search of any body cavity other than the mouth, on an adult or juvenile, must be conducted by and under the supervision of medically trained personnel. An officer with probable cause shall request a warrant to have a medically trained professional conduct the body cavity search. The warrant shall be issued by a Superior Court Judge in all cases including juveniles and shall specifically request a body cavity search and the probable cause to believe a body cavity search is necessary.

B. An officer of the same gender or gender identity/expression as the person being searched will be present when the search is conducted.

C. Body cavity searches shall be performed with the due recognition of privacy and hygienic concerns.

"Although the United States Supreme Court has not decided the Fourth Amendment's requirements for searching body cavities, officers should assume that they need ***(1) probable cause that evidence of a crime is in a body cavity, (2) a search warrant, unless exigent circumstances make it impractical to obtain a warrant, that is, the evidence would be destroyed or would dissipate while officers sought a warrant; and (3) qualified personnel who will conduct the search in a reasonable manner****".*

Robert L. Farb, Third Edition, 2003.

3.5.8 RECORDING INFORMATION

A. Arrest reports are required for all arrests made by departmental personnel. The arrest report is designed for recording single or multiple charges on each person arrested. It is not necessary to complete a separate incident report/arrest report per arrest when the date of arrest is the same. All Arrest reports are to be completed in accordance with current departmental guidelines.

B. Any officer conducting a strip search and/or body cavity search must complete a detailed incident report as well as other relevant reports.

3.5.9 HANDCUFFS

A. Officers will use FPD issued handcuffs. Spare handcuffs can be purchased at the officer's own expense. Spare handcuffs can be hinged cuffs and/or leg irons. Spare handcuffs must be of good quality and from a reputable manufacturer. Examples but not limited to: Peerless or Smith and Wesson. If necessary, Officers should seek guidance from the Training Center staff when purchasing additional handcuffs.

B. Hinged handcuffs will not be used to secure anyone to an object. Examples but not limited to: hospital beds, stretchers, chairs, etc.

C. It is the responsibility of each officer to ensure their handcuffs and/or leg irons are serviceable before each shift.

D. Supervisors should include checking the functionality of handcuffs and/or leg irons during all uniform and equipment inspections.

E. If there are any deficiencies found with the handcuffs or leg irons, remove the equipment from use and report it through your chain of command and training center staff.

F. Handcuffs may be used to restrain a suspect when there is reasonable suspicion to believe the suspect is a threat to the officer or others. Officers should advise suspects when they are not under arrest to minimize the potential for elevating a stop into an arrest. **Mere use of handcuffs alone does not constitute an arrest**. If officers determine there is not probable cause to arrest, the handcuffs will be removed and the suspect will be released.

G. Arrested subjects will be handcuffed behind the back with palms facing outward to reduce the possibility of manipulating the handcuffs. The handcuffs should be tightened only enough to effectively secure the person's wrists. The wrists should be checked for cutting and swelling and the handcuffs loosened as necessary. Handcuffs will be double locked as soon as practical.

H. Upon arriving at a detention facility, Officers may at their own discretion transfer a prisoner's hands to the front of their body, providing the prisoner has not demonstrated any violent tendencies during their detainment.

I. Subjects who are large or inflexible should be handcuffed in the rear using two sets of handcuffs, leg irons or flex cuffs. This method of handcuffing is preferred over handcuffing in front when the person is large, obese, heavy or has short arms. This method prevents the person from using their fists or hooking the cuffed hands around an officer.

3.5.10 SAFE WRAP

A. The Safe WRAP provides a safe and quick method of controlling and immobilizing a violent or combative subject who has been taken into custody and handcuffed. The Safe WRAP can also be used whenever violent or combative behavior is anticipated.

B. The Safe WRAP immobilizes the lower torso of the body and restricts the subject's ability to kick or harm themselves and others.

C. The Safe WRAP should be used **after** a violent or combative subject is in custody, handcuffed, and placed face down. **It should only be used on the subject's lower torso. Once applied, the subject should never be left UNATTENDED.**

3.5.11 TRANSPORT

A. Inspections

1. At the beginning of each tour of duty, officers will conduct a thorough inspection of all patrol vehicles that are used to transport persons in police custody. Attention should be given to any damage and to areas accessible to a prisoner where weapons or evidence may be concealed. Any contraband or evidence located will be reported to the officer's immediate supervisor.
2. Officers will also inspect each vehicle to ensure that a person in police custody may not exit the vehicle without the aid of an officer. The inspection should determine that all windows are working properly, that interior door handles, windows and locks and controls have been removed and all door latches work properly. Safety partitions will be inspected to ensure they are secure. If equipped with child safety lock mechanism the officer should ensure the mechanism is active and in the lock position.
3. All persons in police custody will be searched by the transporting officer prior to the person being placed in the patrol car.

B. Restraints

1. The officer will ensure that the person in custody is properly handcuffed. If further restraints are necessary, then FPD approved devices may be used (Safe WRAP, leg irons, etc.)
2. While operating a police vehicle, all occupants not in custody will wear their seatbelt. N.C.G.S.

20- 135.2A(c)(7) shall not apply to, "any occupant, while in the custody of a law enforcement officer, being transported in the backseat of a law enforcement vehicle".

3. Officers will not "hogtie" (tie a person's hands to the feet in front or back) anyone in police custody under any circumstances.
4. Officers may utilize some discretion in those instances where the prisoner's health or physical state requires an alternative means of restraint. Any alternative restraint will be documented in the officer's report.

C. Safety Barriers

1. Under emergency or special circumstances officers may transport a person in police custody in a vehicle without a safety barrier. Officers will locate the person on the right rear side of the police car and have an escort officer seated in the left rear seat behind the driver. All prisoners transported in this manner will be properly handcuffed behind their backs.
2. If one officer must transport a prisoner in a police car without a safety partition, the prisoner will be placed in the right front passenger seat, handcuffed behind the back, and seat belted.
3. Only one prisoner will be transported in a police car that is not equipped with a safety partition.

D. Notifications

1. Officers will advise the Communications Center of their destination when transporting a person in police custody.
2. When transporting a person of the opposite gender, officers will advise the Communications Center of the starting mileage and at the completion of the assignment, the ending mileage.
3. When transporting a juvenile, officers will advise the Communication Center of the starting mileage and at the completion of their assignment, the ending mileage, regardless of the juvenile's gender.

E. General

1. All prisoners shall be thoroughly searched prior to being transported to any location.
2. Whenever custody of a prisoner is transferred from one officer to another, the officer assuming custody shall conduct a new search of the prisoner prior to accepting custody.
3. While transporting a person in police custody, the transporting officer will not lose sight of the person or respond to other public matters. Each time a person in police custody is to be transported, the vehicle will be examined to ensure that no weapons or contraband are present, except where an officer has been in constant control of the vehicle following pre-shift inspection and the placement of the detainee in the vehicle. Officers will thoroughly search the vehicle at the completion of a prisoner transport to ensure that no contraband or weapons are present in the prisoner area.
4. Officers may respond to "officer needs assistance" calls in their immediate area where they feel the prisoner will not be placed in personal danger.
5. Supervisors having officers respond to other jurisdictions to pick up a prisoner on warrants should refer to the Operating Procedure 3.6 - Prisoner Transport Team.
6. For purposes of officer safety, the prisoner should not be allowed to communicate with anyone during the transportation period. No cellular phones will be retained or used by the prisoner during transport.
7. When transporting a person, cameras must be on and recording, even if the vehicle is not in motion.

F. Transport Between Facilities

1. When transporting from one facility to another, the transporting officer will be aware of and follow the procedures at the facility.
2. Positive identification of detainees to be moved will be verified by confirming information on the warrant with the releasing facility's information.
3. The officer must have a copy of the warrant, or a DCI hit confirmation or mental commitment paperwork prior to assuming custody or transporting a detainee to or from specific locations. Officers transporting juveniles from the Juvenile Detention Center to the Cumberland County

Courthouse or specific appointments will have a copy of the Judge's order or the Clerk of Courts email in hand when transporting.

4. Information obtained from or provided to the facility regarding the detainees escape, suicide potential, or other personal traits of a security nature will be recorded on the prisoner transport log at the time of release. Arrest Reports will be completed upon arrival at the receiving facility.

G. Detainee Transport in Special Situations

1. The FPD does not have a holding facility. Transportation of detainees in special situations, such as visiting a critically ill person, attending a funeral, or attending the reading of a will, will be the responsibility of the Cumberland County Sheriff's Office.
2. If officers or detectives identify a need to transport detainees from the Cumberland County Detention Center or another detention facility for special situations such as assisting with follow up investigations for identifying crime scene locations, viewing photo line-ups, participating in additional interviews, etc., officers will take the following special precautions:

   a) Remain cognizant of officer and prisoner safety at all times.
   b) Ensure the prevention of unauthorized contacts with detainees while in FPD custody.
   c) Maintain security and control measures for preventing the escape of a detainee while in FPD custody.
   d) Officers / detectives will use restraints and follow all procedures specified in this policy that apply to transport of a persons or detainees in custody.
   e) When possible, two officers / detectives will be utilized for special transport situations.
   f) The detainee may be transported in the right front passenger seat when assisting with locating and identifying crime scenes.

H. Handicapped Persons

When transporting a handicapped person in custody, proper care will be used when placing the person in the police vehicle. The prisoner's wheelchair, crutches or prosthetic appliance will be secured by the officer along with the prisoner. All other procedures will remain the same. Prosthetic appliances, crutches and wheelchairs will be examined to ensure that they do not conceal any weapons or contain evidence of a crime.

3.5.12 DETENTION FACILITY PROCEDURES

A. Upon entering the jail or other detention facility, officers will secure their weapons in a lock-box or trunk of their patrol vehicle.

B. All prisoners shall be searched immediately outside the detention center entrance and prior to entering the detention center. All searches conducted outside the detention center shall be performed in a manner that allows the search to be recorded and documented by the detention center's video surveillance system and departmental body-worn cameras.

C. Handcuffs or other restraining devices will not be removed until the prisoner is inside a secure lockup area.

D. When custody of a prisoner is transferred to another officer at the detention center, the officer assuming custody shall conduct a new search of the prisoner prior to taking responsibility for the prisoner.

E. Each of these searches are required to promote officer safety, prevent the introduction of contraband, weapons, or other prohibited items into the facility, and maintain the safety and security of the detention center.

F. A prisoner's handcuffs may, at the officer's discretion, be transferred to the front once the prisoner has entered a secured detention facility and providing the prisoner has not shown any violent tendencies during detainment.

G. At least one officer must remain within sight of the prisoner to maintain visual contact and physical control, unless the prisoner has been placed in an individual holding cell. In this instance the officer must make periodic health and wellbeing checks while the prisoner is contained within the holding cell.

H. Officers must deliver proper documentation on the prisoner to the receiving official and stand by until the receipt is acknowledged ensuring that all documentation is signed and completed correctly.

I. Whenever a prisoner is transported to a detention facility, the transporting officer must advise the receiving official of any security risk to include; escape potential, suicide potential, or other personal traits of a security nature.

3.5.13 PROPERTY IN POSSESSION OF PRISONERS / ARRESTEES

A. Prisoner Property Prior to Transport or Release

1. All property in the possession of a prisoner is the responsibility of the arresting officer. The officer must ensure the property is either:

    a) Secured prior to transport, or
    b) Returned to the prisoner if there is no evidentiary value and the prisoner is released on a Written Promise, Unsecured Bond or No Probable Cause was found.
    c) If the prisoner consents to leave their property at the location of arrest or transfer it to another individual, this consent must be clearly documented on Body-Worn Camera (BWC) and in any type of report completed by the arresting officer.

B. Prisoner Property with a Secure Bond

1. If a prisoner is held on a secure bond, their property should be turned over to the detention center upon intake.
2. If the detention center refuses to accept the property, the officer shall enter the property into Evidence as "inmate property" so it can be returned to the owner/prisoner.

C. All money belonging to prisoners will be accounted for and documented when transporting or processing prisoners. The following guidelines will be adhered to dependent upon the count occurring in the field prior to transport pursuant to seizure of the money, or in the booking room where the money will remain with the arrestee's possessions.

D. All money (foreign, U.S., and counterfeit is seized with a search warrant, confiscated during a traffic stop, found by department employees, or any money turned over to any employee for safekeeping shall be accounted for and turned into the property room following the guidelines established in OP 6.2 – General Property Management and OP 6.4 – FPD Property Receipt Guidelines.

E. All money located on an arrested person where a legal basis to seize the money does not exist is required to be counted by two FPD officers prior to transferring the money to the booking officer.

1. When feasible, the money should be counted in front of the arrestee and documentation signed by the arrestee verifying the count.
2. When the arrestee is not in a position to verify the count, or has the intent to delay the booking process by disputing the count, a supervisor will respond to the booking room to verify the count with the officers.
3. When the amount on a prisoner exceeds $500.00 a supervisor will respond to the booking room to verify the count with the officers. Each person counting the money will legibly sign the Cumberland County Detention Center Intake/Triage Questions form documenting their count prior to the transfer of custody of the arrestee.
4. Body-worn cameras should be activated to capture the counting of the money.

3.5.14 PRISONER ESCAPES

A. Officers will not, without proper authority, release any prisoner in their charge or through neglect or design, allow any prisoner in their charge to escape.

B. If a prisoner escapes while being transported, officers will notify the Communications Center immediately of the escape and provide the following information:

1. Present location.
2. Direction of travel and means of escape.
3. Prisoner's name and physical and clothing description.
4. Any knowledge of possible weapons held by prisoner.

C. In the event the prisoner escapes while being transported outside the city limits, officers will:

1. Attempt to recapture the prisoner.
2. Notify the local law enforcement jurisdiction giving all pertinent data and request their assistance.
3. Notify the immediate supervisor (via DCI message if no other source available).

D. Officers will report to their immediate supervisor all facts concerning the escape or attempted escape and document all details in an incident or follow-up report.

3.5.15 SICK OR INJURED PRISONERS

A. If a prisoner becomes sick or is injured incident to or during an arrest, the officer will advise the Communication Center to dispatch fire medics and the immediate supervisor to respond. When officers arrive at the Cumberland County Detention Center, they will advise the jail personnel of the prisoner's recent medical treatment.

B. Prisoners who require medical attention may be transported to a nearby medical facility. The officer responsible for transporting the prisoner to the medical facility will remain with the prisoner and will exercise custodial control over the prisoner pending release or hospital admittance. Whenever possible, the prisoner will be kept in sight at all times. The officer will cooperate with the medical officials during the treatment of the prisoner. In the event the prisoner must be admitted to the medical facility the on-duty supervisor will be contacted and will arrange for continued custodial control of the prisoner.

C. The transporting officer should obtain copies of the medical records. It is the responsibility of the officer accompanying the prisoner to the medical facility to submit completed reports to the supervisor.

3.5.16 ADMINISTERING MEDICATION

Prisoners requiring prescription medication may provide the medication to the officer to transport along with the prisoner, if circumstances permit. Officers will not dispense medication, but will provide it to the jail if the prisoner is incarcerated. If at any time a prisoner appears to be in any medical condition requiring the medication, appropriate medical personnel will be called to administer the medication.

3.5.17 REFERENCES

FPD Rules and Regulations

O.P. 3.1	Patrol Operations
O.P. 3.6	Prisoner Transport Team
O.P. 6.2	General Property Management
O.P. 6.4	FPD Property Receipt Guidelines

N.C.G.S. 15A-255	Frisk of persons present in premises or vehicle to be searched
N.C.G.S. 20-135.2A(c)(7)	Seatbelt Use
CALEA Law Enforcement Standards	1.2.4, 1.2.8, 70.1.1, 70.1.2, 70.1.3, 70.1.4, 70.1.5, 70.1.6, 70.1.7, 70.2.1, 70.3.1, 70.3.2, 70.3.3, 70.5.1
CALEA Communications Standards	N/A
CALEA Training Academy Standards	N/A

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

3.6.0 OBJECTIVE

To establish procedures for Prisoner Transport Team operations.

3.6.1 TEAM MANAGEMENT AND COMPOSITION

A. District Commanders are responsible for the overall operation of the Prisoner Transport operations.

B. Patrol Supervisors are responsible for coordinating staffing for prisoner transport teams. Officers from each District as well as Patrol Support personnel may be requested to assist with prisoner transport staffing. Officers in training may assist as the second officer assigned to the prisoner transport team when assigned with their Field Training Officer.

C. The Detective Division Supervisors may activate a transport team utilizing Investigative Bureau personnel.

3.6.2 ACTIVATION

A Prisoner Transport Team can be activated if the Fayetteville Police Department issued warrants for the arrest, or if the Cumberland County Courts issued orders for an arrest related to a Fayetteville Police Department case. The Prisoner Transport Team will only be activated for certain offenses. A list of offenses will be maintained in the Campbellton District, Central District, and Cross Creek District supervisor's office.

3.6.3 NOTIFICATION

A. Upon receipt of a request for prisoner transport during regular duty hours, the Front Desk Unit will:

1. Verify that the subject will be released without delay to FPD custody.
2. Ask if the holding agency has pending charges.
3. Ask if the subject has a medical history that may require attention.
4. Ask if the subject has a history of violence or escape.
5. Verify the gender and physical size of the subject.
6. Ask if threats have been made against the subject.
7. Ask if there is any indication that friends or associates may attempt a rescue while en route.
8. Verify the required paperwork needed for release of the prisoner to FPD custody.
9. Request that the agency **not** inform the prisoner that he is being picked up.
10. Find out how long the agency will hold the subject (especially if it is after duty hours for on-call personnel).
11. Request driving directions to the holding agency.

B. The Front Desk Unit will then notify the field supervisor of the transport request. The field supervisor will ensure that the required information has been obtained and will be responsible for activating a Prisoner Transport Team.

C. If a request for transport is received **after normal duty hours**, a supervisor must be notified immediately. The required information listed above must still be obtained. The supervisor will then contact the appropriate on-call personnel.

3.6.4 ROUTINE TRANSPORT PROCEDURES

A. Upon activation, team members will obtain the required information from the DCI Clerk. This information may be obtained by the supervisor and then provided to the transport team.

B. The supervisor will obtain a transport bag. The team members will obtain and inventory the transport bag. The bag must include:

1. One NC State road map
2. To spit socks
3. One Prisoner Transport Log Book
4. One set of black nylon
5. Copy of this policy
6. One gas card
7. Two sets of waist chains
8. One set of leg irons
9. Three leg iron keys

C. Each transport team member will provide the Communications Center with the following information when leaving the city limits:

1. Badge / Call numbers
2. Vehicle #
3. Time
4. Mileage
5. Destination

D. The Prisoner Transport Team will drive to the holding agency, take charge of the prisoner and return to Fayetteville in a safe and timely manner. Upon returning to the city limits, the team will advise the Communications Center of their return.

E. The team will then transport the prisoner to the Cumberland County Sheriff's Office for processing and bond hearing. The paperwork will be turned in to the on-duty supervisor.

F. The transport log must be completed and turned in to the on-duty supervisor at the completion of all prisoner transports.

3.6.5 COMMUNICATIONS

A mobile telephone will be provided for safety and security to allow team members to maintain contact with Communications and summons assistance in case of mechanical difficulties, or other problems. It may also be used to call ahead to order meals or to make other arrangements and to maintain contact with the agency holding the prisoner.

3.6.6 RECEIVING THE PRISONER

Prior to placing the prisoner in the transport vehicle, team members will perform the following tasks:

1. Inform the prisoner what is expected of them during the trip.
2. Do not allow the prisoner to make telephone calls prior to departure.
3. Search the prisoner and vehicle in accordance with the Operating Procedure entitled Securing, Searching, and Transporting Arrested Persons.
4. Transport the prisoner's personal property with, but not in the possession of the prisoner.
5. Apply restraints correctly. Restraints that must be adjusted during the trip will require that the vehicle be stopped, thus adding potential risk.
6. During extended periods of transportation, the prisoner should not be handcuffed behind the back. For comfort and security, leg and waist chains should be used in combination with handcuffs and leg irons as necessary.
7. If the vehicle is equipped with a Pro-Straint seat, the seatbelt restraints **must** be used.

3.6.7 MEALS

A. It is recommended that transporting officers use fast food drive through restaurants, whenever possible.

B. If a walk-in facility must be used, it is preferable to dine at times when the restaurant is least busy. The prisoner should be informed that he should not speak with any other patrons and must follow instructions completely.

C. Sit in the corner of the restaurant, away from emergency exits and directly across the table from the prisoner.

D. All extra silverware and place settings should be removed from the table and all condiments should be placed out of the prisoner's reach.

E. The second transport officer should be seated at another table where he can observe the prisoner.

3.6.8 OVERNIGHT ACCOMMODATIONS

A. Overnight accommodations of prisoners should only be made in secure detention facilities.

B. Advance notice should be given to agencies that are requested to house the prisoner and arrangements made to reimburse the jurisdiction, if necessary.

C. If possible, arrangements should be made to have meals served to the prisoner while in the facility, thereby avoiding stops in transit.

3.6.9 SPECIAL REQUESTS

A. Prior to transport, officers should make it clear to the prisoner that requests for unscheduled stops or favors will not be granted.

B. Prisoners should be reminded to use restroom facilities during normally scheduled stops. Should an unscheduled stop become necessary, however, transport officers should drive for a distance until they are confident that they are not being followed. Restraints should not be removed but they may have to be adjusted.

C. Prisoners should never be allowed to enter restrooms unescorted or to close a stall door in private. When two escorting officers are available, one should enter the restroom before the prisoner to ensure that objects aren't available that could be used as weapons, that there is no one else in the restroom and that nothing has been purposely left behind for the prisoner by an associate. The prisoner should never be unobserved. If unobserved due to attempted escape, the prisoner will be searched before being permitted to re-enter the vehicle.

3.6.10 ESCAPE

Following an escape, it is imperative that transport officers transmit complete information to the Communications Center as soon as possible. This should be done in accordance with the Operating Procedure entitled Securing, Searching, and Transporting Arrested Persons.

3.6.11 PRISONER WELL-BEING

A. If any medical emergency should arise during transport, the transport team should utilize a local medical facility, and contact the supervisor and Communications Center as soon as possible.

B. Transport officers should be aware of and report any unusual signs of depression such as the prisoner's expressed feelings of hopelessness and extreme anxiety, profound sadness, crying, excessive self-blame and/or an excessive expression of guilt or shame.

3.6.12 PRISONER TRANSPORT ON COMMERCIAL AIRCRAFT

A. All in-state transportation of prisoners will be accomplished by ground mobile transportation. Air transport of prisoners is usually the result of an out-of-state prisoner extradition. In the majority of these cases, the Cumberland County Fugitive Squad will be used.

B. The FAA regulates prisoner transport on commercial aircraft in two areas:

1. The carrying of firearms.
2. The security of the prisoner.

C. All operations must be carried out in accordance with these regulations (14CFR).

D. Individual airline companies may add regulations in addition to the FAA requirements or refuse to transport prisoners altogether. Team supervisors should be familiar with FAA rules and individual airline regulations prior to booking the flight.

E. The team supervisor should book direct flights whenever possible and prearrange ground transportation at both ends of the flight.

F. When there is a lengthy delay while changing flights at a connecting airport, the team supervisor should determine in advance if there is a lock up in the airport or nearby that could be used for the prisoner.

G. Leg irons should be used to restrain the prisoner during air transportation. Handcuffs should also be used in most cases.

H. FAA regulations require the officer to present credentials to the airline. The transport team should provide a letter (on department letterhead) specifying the circumstances of the trip and the need to be armed during the flight. The letter should be signed by the appropriate Bureau Commander.

I. The team supervisor must:

1. Notify the airline of the identity of the prisoner at least one hour in advance of the flight.
2. Notify the airline as to whether the prisoner is considered to be in the maximum risk category or not. If so, two escorts are required.
3. Assure the airline that the officer is equipped with adequate restraint devices, that the prisoner has been searched and that he has no dangerous articles or weapons on or about his person.
4. Accompany the prisoner and keep him under surveillance at all times.

J. The transport officers and the prisoner will:

1. Board the airplane before other passengers when departing a flight from an originating airport.
2. Deplane after all other passengers have deplaned.
3. Sit in the rear-most passenger seat, when possible. The seats cannot be in the lounge area or next to an exit.
4. Sit with the officer between the prisoner and the aisle.

3.6.13 REFERENCES

Operating Procedures: 3.5 Securing, Searching and Transporting Arrested Persons

By Order Of: Harold E. Medlock
Digitally Signed

3.7.0 OBJECTIVE

To establish guidelines for responding to residential, business, and financial institution alarm activations and robberies.

3.7.1 RESIDENTIAL AND BUSINESS ALARM RESPONSE

A. Telecommunicatior I Responsibilities

1. Determine if the caller is an alarm monitor or a private citizen.
2. Inquire of the caller the alarm agency reporting the alarm, operator name and number, and call back number for the alarm agency.
3. Obtain from alarm monitor the address of the alarm and the name of the resident or business.
4. Obtain the type of alarm call, the area of activation (if available), and any persons on the premise.
    a. If for a **Commercial burglary alarm** the **area of activation is Hold-up/Panic/Duress**, the call taker will:
        i. Immediately call the business, identify themselves and the agency, and advise the employee answering the phone of the alarm activation.
        ii. Once a hold-up alarm is confirmed as an actual robbery, document this information in CAD notes and change the protocol from 104 Alarms to 126 Robbery. Determine if the victim can safely remain on the line and provide pertinent information for arriving officer.
        iii. Determine if anyone is hurt/injured and notify medical attention.
        iv. Obtain the following information:
            1. Weapons, if used, and description
            2. Detailed description of the suspect to include physical traits and clothing
            3. Mode of travel and direction
            4. Items taken
    b. If the alarm is false, the dispatcher will obtain the name and clothing description of an employee who will meet the officer outside.
5. Ask the alarm monitor for keyholder information and request a call back from the alarm monitor when the key holder is notified.
6. Update CAD with any further information received.

B. Telecommunicator II Responsibilities

1. Send appropriate units to the alarm location.
2. Keep responding units updated with changing events associated with the call.
3. Ensure responding units have appropriate backup and be prepared to cancel backup.
4. All comments regarding alarm calls will be noted in CAD.
5. Attempt to contact appropriate keyholder as needed and as requested by field units.
6. Cancel dispatch after receiving appropriate cancellation from alarm monitor, using P27 for cancellation in CAD.

C. Officer Responsibilities

1. When an officer hears an audible alarm or is dispatched to activation, the officer should attempt to locate the exact source of the alarm.
2. Upon approaching the location of alarm activation, the officer will be alert for suspicious vehicles or persons in the area or leaving the area.
3. All possible entry/exit areas should be checked for signs of forced entry.
4. Officer will request communications notify a keyholder of the activation and determine if the keyholder is going to respond to the scene.

5. If there are no signs of forced entry, the officer will notify communications the business/residence appears secure. **If a keyholder cannot be contacted, the officer must leave any false alarm notification tag in a visible location with the correct disposition marked. A false alarm notification tag will be left for each activation.** If there are no signs of forced entry, officers may enter and search the premises only after a keyholder arrives on the scene.
6. If there are signs of forced entry or damage to the property, the officer(s) may enter and search for the suspect before the keyholder arrives or stand-by for the keyholder if necessary to gain entry. At least 2 officers are required to make entry and search for the suspect(s), unless exigent circumstances exist.
7. Businesses or residences that are found unsecured (forced or not forced) will be secured as much as possible, if a keyholder does not respond.
8. Officers should use a K-9 unit, if available, to conduct a building search where the likelihood that a suspect is still inside the business and/or residence exists.
9. All information pertinent to the alarm should be indicated in CAD, i.e. key holder requested, business is secure, etc.
10. Officers will inform the keyholder on the scene of the alarm disposition code used.

3.7.2 ALARM ORDINANCE

A. The City of Fayetteville Alarm Ordinance requires the City to charge fees for responses by police officers due to false alarms. Alarm users are charged according to a fee schedule adopted by City Council. Collections for alarm fees are processed based on the alarm codes provided by responding officers. Officers will use the following codes when notifying communications of the disposition of an alarm:

1. P20 - Alarms activated by crime, attempted crime, or fire
2. P21 - Alarms activated by adverse weather
3. P22 - Alarms activated by power outages
4. P23 - Alarms activated by malfunctions
5. P24 - False activations
6. P25 - Airport alarms in ultra-sensitive areas
7. P26 - Tests and resets of alarms, primarily airport location
8. P27 - Cancellation, used by communications

B. The Alarm Ordinance Coordinator will track, validate, and invoice alarm activations based upon the disposition codes used. The following alarms do not count towards the false alarm limit:

1. Alarms activated by a burglar or fire
2. Alarms activated by an electrical power outage, if proof of the power outage is shown within five business days of the incident.
3. Alarms activated by adverse weather.
4. Alarms activated by mechanical malfunction, if proof of the malfunction is verified by a work order within 72 hours of the malfunction.
5. Users are required to provide the police department with the names of at least one and no more than three individuals whom have the authority and knowledge to respond to and deactivate an alarm.

3.7.2 BANK ALARM AND ROBBERY RESPONSE PROCEDURE

A. Jurisdiction

Robbery of a financial institution insured by the federal government is within the jurisdiction of both local police and the Federal Bureau of Investigation. In addition, the State Highway Patrol and the State Bureau of Investigation may be called on to assist. At all times, officers will fully cooperate with agencies jointly involved in response to robbery calls or follow up investigations. In the event of an actual robbery of an insured institution, the F.B.I. must be notified and will participate in the investigation.

B. Familiarization

Officers should become familiar with the location and general layout of all banks, particularly those in the sector that the officer is regularly assigned. Officers should also be familiar with all automatic teller machines in their respective sector.

3.7.3 RESPONSE PROCEDURES

A. Whenever the department receives either an alarm or personal notification that a bank robbery is in progress, the following procedure will be in effect for the appropriate personnel:

Telecommunicators I

1. Will immediately call the main bank and advise the switchboard operator of the alarm. The switchboard operator will immediately call the branch bank location of the alarm.
2. Once a hold-up alarm is confirmed as an actual robbery, determine if the victim can safely remain on the line and provide pertinent information for arriving officer.
3. Determine if anyone is hurt/injured and notify medical attention.
4. Obtain the following information:

    a) weapons, if used, and description
    b) detailed description of the suspect to include physical traits and clothing
    c) mode of travel and direction
    d) items taken

B. Telecommunicators II

1. Based on information confirmed by officers on the scene, send an "SR 50" message in DCI with all relevant formation.
2. If the bank is in fact being robbed or has been robbed, the dispatcher should talk to the bank employee who can give a description of the suspect(s) and direction of travel
3. If the alarm is false, the dispatcher will obtain the name and clothing description of an employee who will meet the officer outside. The dispatcher will also notify the on duty field sergeant or Lieutenant.
4. A police officer and one back up officer will be dispatched to a bank alarm even though advised that the alarm is false. Officers responding will use the same caution and care as if the alarm was not false. This is to ensure that bank employees were not forced to falsify their communication with police.
5. If an all-clear signal is not received from bank personnel after the dispatcher has made the call, officers will respond as if a crime is in progress. The field supervisor will be notified immediately, and will respond to the scene and direct the operation.
6. No officer will enter any building or banking establishment during a robbery-in-progress or until an all-clear signal is given by the dispatcher or contact is made with the officer by a bank official. If no hostage situation is taking place inside the building or banking establishment, the robber(s) will be allowed to leave the building before the officers take any necessary action.
7. If the bank is in fact, being robbed, the following agencies/units will be notified immediately by the dispatcher:

    a) MIR3 Notification to command staff.
    b) Detective Division
    c) FBI
    d) CCSO
    e) State Highway Patrol
    f) Fort Bragg
    g) DCI – SR 50

C. Officers

1. Upon hearing the dispatch of units to a bank alarm/robbery, all cars in the immediate area will proceed in the direction of the financial institution involved at a normal rate of speed, awaiting further instruction.
2. Officers responding to the scene of a robbery are not to use the siren when they are within hearing distance of the bank; blue lights will be turned off before they can be seen from the area of the bank.
3. The responding officers should be alert for suspicious vehicles or persons leaving the area.
4. Police vehicles are to be stopped at a safe distance from the bank and in such a manner that they will block the flow of traffic around the bank as much as possible. They should be parked so as not to be visible from the bank interior. Police vehicles are not to be left with the motor running or the keys in the ignition switch.
5. Officers should position themselves to be in the most advantageous location when the robbers exit the bank.
6. Officers should always be alert for possible "lookouts" working with the robbers. Contact with "lookouts" should be avoided so that the offenders inside the bank are not made aware that officers are present.
7. Plainclothes officers (detectives) will enter, once it is confirmed that suspects have departed. If detectives are not available, the sergeant in charge will enter the bank. If he/she is not available, the first officer dispatched will then enter the bank.
8. The crime scene will be protected and the bank doors will be locked and guarded by a uniformed officer. Telephone contact will be made with the dispatcher and maintained during the course of the initial investigation. Any descriptions of suspects, number of suspects, race, dress, weapons, vehicles, make, color, license number and direction of travel will be given and that information will be broadcast by the dispatcher.
9. If the robbery alarm is false, a bank official will come out of the main entrance and contact the officer waiting outside. The officer and the bank official will re-enter the bank to inspect the interior.
10. If a robbery has occurred and the robbers have already left the scene, the bank official will wait at the main entrance with the door locked. They will keep everyone out of the bank and everyone who was inside the bank at the time of the robbery will be asked to stay inside until detective's interview them.
11. The first officer(s) on the scene to contact the bank official should immediately get a description and route of travel of the robbers and notify other units.
12. The field sergeant or Lieutenant will assign units to strategic points in an attempt to intercept the escaping offender.
13. If a robbery is in progress and the suspect(s) are still in the bank, as they leave the bank, without hostages, and are far enough outside so as not to re-enter, officers will order them to submit to arrest.

D. Hostage Situation

1. If hostages are taken, officers should not attempt an arrest. The safety of the hostages is paramount.
2. The first officers should contain and restrict the movements of the hostage takers.
3. A hostage negotiator and the Emergency Response Team Commander will be notified immediately.
4. The Emergency Response Team will relieve uniform officers on their arrival and uniform officers will be responsible for outer perimeter control.
5. The dispatcher will make contact with telephone representatives to ensure telephone line dedication. This would prevent any calls in or out of the location except those made by the hostage negotiator.
6. Under NO circumstances will an officer of the Fayetteville Police Department exchange himself/herself for a hostage.
7. Officers will follow procedures outlined in the Operating Procedure titled Hostage Situation Operations and Barricaded Suspects.

E. Bank Personnel

Bank employees should be instructed to use the following procedure in the event of a bank robbery:

1. The alarm should be tripped as soon as possible by any means possible.
2. If the alarm is false, a bank official should notify the Communications Center immediately by telephone, then go to the front entrance and wait until they recognize a police officer. They should walk to the officer, keeping their hands out of their pockets and should orally identify themself.
3. If the robbery is actually taking place, bank employees should do exactly as told by the robber(s).
4. If the telephone rings while the robbers are in the bank, an employee should answer only if told to by the robber(s). When answering the phone, the employee should listen very carefully to the caller, immediately hang up the phone and do exactly as told.
5. Employees of the bank should not resist.
6. All bank employees should observe the physical appearance, actions, speech and anything else that might accurately describe the suspect(s) after the robbery has occurred.
7. If the suspect(s) leaves the bank before the first officers arrive, immediately call the police department. A bank official will stand at the bank's main entrance and identify himself/herself to the first police officer to arrive. He will not allow anyone to enter or leave the bank with the exception of law enforcement officers. He/she will provide the first officer on the scene with a description of the suspect(s) and his/her direction of travel. If hostages were taken, the bank officials will advise the officer immediately so other responding officers and agencies will be notified.
8. Bank personnel should be encouraged not to discuss the incident amongst themselves until after being interviewed by police personnel.

3.7.4. REFERENCES

Operating Procedures: 4.4: Hostage Situation Operations/ Barricaded Suspects

By Order Of: Gina V. Hawkins
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **3.8**
	Subject **RESPONSE TO SEXUAL VIOLENCE CASES**	**Effective Date** 12 November 2024
	Revised 01-15-87, 02-25-02, 01-25-2010, 06-20-2013, 12-06-16, 02-16-24	**Page** 1of 5
	CALEA Standard 81.2.6	

3.8.0 OBJECTIVE

To establish guidelines for responding to complaints of sexual violence, interacting with victims, interfacing with local health and welfare agencies and conducting interviews with victims and witnesses.

3.8.1 DEFINITION

Sexual violence, as referenced in this policy, includes rape and other forcible, non-consensual sexual assaults as defined by law, in relation to female and male victims.

3.8.2 KEY CONCEPTS

A. Victim-Centered Approach

A victim-centered approach will be taken when interacting with victims of sexual violence. The victim is at the center of all decisions regarding recovery and any involvement with the criminal justice system. The needs of the victim are everyone's concern and a collective effort (not just victim advocacy). **Victim's choice, safety, and well-being is the focus.**

B. Trauma-Informed Questioning

Keep in mind that sexual violence is a very traumatic event. The brain and body's response to violence must be taken into account. When interacting with victims of sexual violence an appropriate line of questioning would consist of the following:

1. "What are you able to tell me?"
2. "Can you help me understand what you're able to remember about your experience?"
3. "What did you hear, smell, feel?"
4. Don't ask "What happened next?" but instead ask "What else happened?"

C. Neurobiology of Trauma

Keep in mind when interviewing victims that trauma affects memory and emotion. Typical victim behavioral responses may include:

1. Changes in body language
2. Changes in affect (flat to hysterical)
3. Delays in reporting
4. Memory lapse

Because studies show that memory may actually improve over time following a traumatic event, officers should not discount a victim's credibility solely because their recall changes over time.

D. Tonic Immobility

Often, during sexual violence, the victim will suffer from Tonic Immobility (aka Rape-Induced Paralysis). A victim may not be able to move, fight back, or flee during an act of sexual violence. After the trauma, the victim may have difficulty remembering specific details of the event.

3.8.3 PROCEDURES

A. Communications

Communications personnel play a critical role in focusing the initial police response by obtaining necessary information concerning the victim and offender and providing initial aid and comfort to the victim. This includes:

1. Ascertaining the medical condition, needs and location of the victim.
2. Time and location of the incident.
3. Description of the suspect and direction, mode of travel and weapon used, if any.
4. Advising the victim not to change clothing, shower or touch anything in the immediate area.
5. Advising the victim not to drink, eat, or smoke, as potential evidence could be lost if they do so.
6. Dispatching patrol and medical personnel.
7. Remaining on the telephone with the victim to provide assistance and comfort until a patrol unit arrives on the scene.

B. Initial Response

Initial responding officers should be primarily concerned with the well being of the victim and, where circumstances allow, will initiate investigative procedures that will facilitate the identification and arrest of suspects. It is 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.

With regard to victim assistance, the officer will:

1. Render necessary first aid and request emergency medical assistance.
2. Attempt to gain the victim's trust and confidence by showing understanding, patience and respect for personal dignity.
3. Provide the victim an officer of the same sex if requested - if one is available.
4. Assist the victim to locate family or friends for emotional support.
5. Offer the assistance of a Rape Crisis Volunteers of Cumberland County (The Phoenix Center) Advocate. One can be reached 24 hours a day at 910-485-7273 (485-RAPE).
6. Offer assistance of the National Sexual Assault Hotline at 1-800-656-4673 (800-656-HOPE)

With regard to initial investigation, the officer will:

1. Secure the crime scene.
2. Generally, avoid asking detailed, intimate questions regarding the assault. An initial in-depth interview may not be possible or appropriate, however the initial investigating officer should attempt to determine if a crime occurred and what type of crime.
3. Note the victim's appearance and behavior – e.g. injuries, disarrayed or torn clothing, dirt or vegetation stains.
4. Relay pertinent information to Communications.
5. Conduct questioning in private and only by one officer.
6. Protect the crime scene to include bedding, clothing and related materials and areas. Ask the victim not to wash, smoke, eat, or drink until a sexual assault examination has been performed. Advise the victim potential evidence could be lost if they do so.
7. Encourage the victim to undergo a sexual assault examination, emphasizing its importance to their health and in collecting important evidence which will assist the investigation.
8. Accompany the victim, with a change of clothing, to the hospital and relay pertinent information concerning the assault to the examining physician.
9. Remain on hand at the hospital until family members, support service personnel or detectives arrive.
10. Ensure photos are taken of evidence of physical injury.
11. A report of the crime shall always be taken regardless of the length of time between the date of occurrence and the date the report is made.

C. Follow Up Investigation

A detective will be assigned to follow up as soon as possible after the initial complaint and will remain responsible for the case until it is closed. It is especially important in sexual assault cases that only one

detective interview and support the victim throughout the investigative and court process. The victim will feel very uncomfortable explaining the details to too many people and may become uncooperative. The victim should be reassured by explaining the procedures that the department follows to protect their right to privacy. The detective must remember that the victim is being asked to discuss with a stranger the details of what is probably the most traumatic and personal experience of their life.

The detective will:

1. Explain the need for a sexual assault examination in order to collect evidence from the victim and the victim's clothing and to take photographs of any visible injuries. If the victim gives permission for photographs to be taken, a Forensic Technician the same sex of the victim will be used to take the photographs or a person of the same sex will be in the room with the Forensic Technician.
2. Coordinate with the Sexual Assault Nurse Examiner performing the sexual assault exam to ensure all necessary evidence is collected during the exam. This may include body swabs (to collect semen, saliva, or blood), clothing, fingernail clippings, and touch DNA.
3. Compile the basic investigative information contained in the initial review, criminal complaint and medical examination.
4. Arrange interviews with potential witnesses as soon as possible.
5. Determine the victim's emotional and physical ability to submit to an in-depth interview and schedule the interview as soon as these factors will allow following the incident. Generally, immediately following the sexual assault is not the best time to conduct an in-depth interview with the victim. If practical, it is recommended to give the victim at least one sleep cycle prior to conducting such an interview. When the interview does take place, the detective will:

    a) Employ a comfortable setting that affords privacy and freedom from distractions, attempting to obtain all necessary information at this time. An advocate can be present if the victim wishes.
    b) Provide the victim the opportunity to make small choices, thus giving some semblance of control. For example, ask the victim if they wish to have an advocate present during the interview or if they would like something to drink.
    c) Allow the victim to describe the incident in their own words without interruption. The detective should be very patient, objective and non-judgmental with the victim and should utilize trauma-informed questioning techniques.
    d) Explain why personal, intimate detailed information concerning the crime is needed to include:

        1. Details of the sex act
        2. The suspect's modus operandi
        3. Clothing, means of restraining the victim and the use or availability of weapons
        4. Any words used or instructions given to the victim
        5. Marks, scars, tattoos or deformities or other unusual physical features or body odors of the suspect
        6. Any witnesses, participants or accomplices that may be described or identified by the victim

    e) Document the victim's actions in response to the attack to include the type and degree of any resistance offered, the nature of any acquaintance with the suspect to include any prior intimate relationships and the state of mind of the victim during the attack.
    f) Determine the degree to which the victim has received support services from family, friends and assistance groups and encourage/facilitate these interactions where necessary.

6. Keep the victim informed of future investigative and prosecutorial activities that will or may require involvement and cooperation. The victim must be supported throughout the judicial process. They should be briefed regarding the process, informed of each step of the case progression and protected from intimidation by the defendant or his witnesses. Receiving input from the victim is a priority in taking a victim-centered approach. Work with the prosecutor's office to develop the case, to familiarize the victim with the types of inquiries that may be faced during cross-examination and to ensure that requests for victim protection orders are made where indicated.

7. Maintain continued contact with the victim to ensure that appropriate support services are readily available.
8. The detective is responsible for completing the Request for Examination of Physical Evidence (SBI-5) for any Sexual Assault Evidence Collection Kit within seven (7) days of being assigned the case. The SBI-5 is to be completed in Forensic Advantage and a printed copy of the request is to be submitted to the Evidence Control Room. Any subsequent lab requests for a case can be completed via a Request for Forensic Services in Laserfiche forms.

D. Unfounded Reports

In order to ensure that sexual assault reports are being properly unfounded, the following will be adhered to prior to un-founding a case. The case detective will meet with the unit sergeant and the unit lieutenant to conduct a review of the case file. The case detective will have an understanding of the NIBRs guidelines and be prepared to justify whether they feel the case is a false report or a baseless report. Final approval on whether to unfound a case will be determined by the unit lieutenant.

E. Special Coding Situations

1. Third Party Referrals - For those sexual assault allegations where the complainant is a third party referral (e.g. Department of Social Services, Cumberland County Schools, or any other mandated reporters) the NIBRS designation 9913 Calls for Service – Sexual Assault Referral will be used on the initial report. The report will be assigned to the appropriate unit for follow-up investigation. If, upon completion of the investigation, it is determined no crime was committed, the NIBRS designation will remain the same. If a crime is determined to have occurred, the NIBRS designation will be changed to reflect the appropriate crime(s). It is the responsibility of the unit sergeant to ensure this change is made as soon as a crime is determined to have occurred.
2. Incidents outside of jurisdiction – For those incidents of sex crimes which are reported to have occurred inside the Fayetteville city limits but which are later determined to have actually occurred outside of the city limits, the NIBRS designation 9916 Calls for Service – Rape TOT (Turned Over To) Outside Agency will be used. It is the responsibility of the unit sergeant to have the NIBRS designation changed on the report as soon as this is determined to be the case. The unit sergeant will ensure the appropriate law enforcement agency is immediately notified of the crime and that they receive all documentation created during the Fayetteville Police Department investigation. State reporting and closure status of these cases will be the responsibility of the department with primary jurisdiction.

3.8.4 VICTIM ASSISTANCE

A. Knowing what the community has to offer is essential for effectively handling the victim's needs. A victim who is supported emotionally is more likely to hold up under the stress of the investigation, to go through with the prosecution and to be a good witness in court. The detective and officer should become familiar with the resources in the community and seek to establish a good working relationship with them. Periodic contact with the representatives of other agencies that provide services to victims of rape can help ensure a process that is responsive to the victim's needs as well as facilitating the goals of the criminal justice system.

B. Rape crisis centers and social services agencies offer a host of services, including 24-hour crisis line, short and long term counseling and, in some cases, transportation, child care and emergency housing. An advocate with Rape Crisis Volunteers of Cumberland County (The Phoenix Center) is available 24 hours a day to help deal with the victim's needs and is trained to help the victim deal with the immediate crisis, as well as the trauma that occurs for an extended period of time after the rape. An advocate can be reached at 910-485-7273.

3.8.5 PUBLIC AWARENESS

The responsibility of the Fayetteville Police Department to keep the public informed, while protecting the rights and identity of sexual assault survivors, can often be a delicate balancing act. Any release of

information regarding a sexual assault should be meticulously scrutinized to protect the survivor. The following is meant to be a guideline on the release of information. However, sworn and non-sworn personnel should consult with the Captain of Major Crimes or a member of Executive Staff prior to information being released.

A. In an effort to increase public awareness on sexual assault complaints, a media release will be disseminated informing the public on reports of sexual assaults **only** when there is an unknown/unidentified offender(s). Unknown/unidentified offender(s) are defined as those offenders where the victim does not know or is not acquainted with the offender. This release will be published within a reasonable time after receipt of a complaint, but no later than seventy-two hours after the incident can be substantiated.

B. Media releases on reported sexual assaults where the offender is unknown/unidentified will include the date and time of the report, and the general area where the crime occurred. Media releases will only contain the road/street in which the crime occurred and a cross street if one is available. However, personnel completing the media release should evaluate, based off geographical factors, the likelihood of the public identifying the victim and/or crime location. If it is determined there is a high probability that a member of the public could conclude the location of the crime based on the information released, a more generalized location should be used. At **no time** will specific addresses or names of the victim/survivor be included in the media release and the victim will be notified of the press release prior to its dissemination.

C. Crime prevention tips will be disseminated with the media release in an effort to increase public awareness on strategies that the community can employ in an effort to better maintain their safety and security regarding these types of crime.

D. At **no time** will Fayetteville Police Department personnel release any information regarding sexual assault locations, victims, or incidents when the offender in the sexual assault case is known or affiliated with the victim/survivor, and, it has been determined there is no immediate danger to the public. Additionally, units such as Crime Prevention who are tasked with supplying calls for service (CFS) reports during Community Watch meetings, etc., will ensure any sexual assault incident is omitted from the supplied report when the offender is known to the victim/survivor.

3.8.6 REFERENCES

WD 3.05 Media Policy

By Order Of: Kemberle Braden, Chief of Police
Digitally Signed

3.9.0 OBJECTIVE

To establish guidelines for the reporting of and response to child abductions, missing persons, runaways, abandoned and unidentified children, and activation requests of public alerts through the North Carolina Center for Missing Persons by members of the Fayetteville Police Department (FPD). A well-coordinated response with other agencies is often paramount in locating and identifying children/adults in the above situations.

3.9.1 CHILD ABDUCTIONS

A. Child Abduction Calls

When the Communications Center receives a call in reference to child abduction, it is the responsibility of the telecommunicator to obtain the following basic information:

1. Who is involved in the abduction? (victim, suspect, witnesses)
2. What are the circumstances surrounding the abduction?
3. When did the abduction occur?
4. Where did the abduction occur? (i.e. physical location of victim)
5. How did the abduction occur? (i.e. vehicle description)

B. The Communications Center will dispatch an officer and a supervisor to the scene.

C. Patrol Response

The first responding officers and supervisor will gather sufficient valid information to determine if child abduction has occurred. The accuracy of this assessment is crucial because an actual abduction requires a prompt and detailed investigation. **During the investigation nothing should be assumed and all information gathered should be verified.** The following steps should be taken:

1. Verify the accuracy of the complaint information, description of the victim, and circumstances at the time of disappearance, the health, and custody status of the child.
2. Ask what has already been done to locate the missing child. Document the nature of these efforts and the complainant's disposition, i.e. frantic, concerned, and level of emotion.
3. Conduct a thorough search of the residence and immediate area to verify disappearance, especially areas where the child may hide.
4. Locate any possible witnesses to the incident, to include the complainant and the last person to have had contact with the victim.
5. Separate the witnesses, interview them, and compare details to known information.
6. Identify the exact place the victim was last seen and secure the scene until it can be searched and examined for possible evidence.
7. Identify the victim's comfort zones as potential crime scenes or sources of relevant evidence.
8. Determine the time frame ("window of opportunity") between when the victim was last seen and when the victim was discovered missing.
9. Evaluate all information gathered, documenting any discrepancies and conflicting information, especially in regards to the "window of opportunity." Immediately resolve differences with verification.

D. Based upon the information gathered, officers and their supervisor will make an initial assessment of the type of incident:

1. Abduction of a child.
2. Parental kidnapping.

3. Runaway child.
4. A false report to conceal another type of incident, i.e. homicide, accidental death, etc.

E. If the incident is not determined to be child abduction by a stranger, then officers will take the appropriate enforcement action in accordance with this policy.

F. If not enough information is developed to formulate an assessment as to the type of incident, then officers will treat the disappearance as an abduction until information is developed to suggest otherwise.

G. "Amber Alert" Activation

1. Upon determining that a child has been **ABDUCTED, ALL** of the following criteria **MUST** apply for the "Amber Alert" to be activated:

   a) The child is 17 years of age or younger.
   b) 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.
   c) The child is believed to have been abducted or to be in danger of injury or death.
   d) The child is NOT a runaway or voluntarily missing; and
   e) The abduction has been reported to and investigated by a law enforcement agency.
   f) There must be sufficient descriptive information on the suspect and/or vehicle available for release to the media.
   g) If the abduction of the child is known or suspected to be by a parent of the child, the NC Center for Missing Persons (CMP), in its discretion, may disseminate information through the Amber Alert if the child is believed to be in danger of injury or death. It will also be the responsibility of the Center to determine whether there is sufficient identifying data to justify an AMBER Alert activation.

2. If the above-listed criteria are met, the investigating officer will verify the abduction details with their immediate supervisor. The investigation will include, but is not limited to, the following information:

   a) Name, age and physical description of the child.
   b) Description of the child's clothing.
   c) Location and time the child was last seen.
   d) Description of vehicle involved in the abduction.
   e) Last known direction of travel and possible destination.
   f) Description of suspect.
   g) A recent photograph of the abducted child.
   h) Name of school the child attends (if old enough) or last school attended.

3. Upon completion of a child abduction incident report, the officer will download a copy of the "North Carolina Amber Alert Release of Information Form" at the following website: https://nccmp.ncshp.gov/docs/AMBERAlertRelease.pdf, and have the reporting party sign the release of information form. A copy of the release of information form will be emailed to Missing@ncshp.gov. A Lieutenant/Sergeant will be contacted immediately to review and sign the report. The reporting officer will hand-carry a copy of the report release form, DCI entry form, and medical packet to the DCI operator for entry into DCI as soon as possible after receiving the reported activity.
4. The DCI Operator at CRU will enter all missing persons *under the age of 21* into NCIC within 2 hours once the minimum mandatory data is obtained in accordance with DCI Transaction Procedures and N.C.G.S. 143B-1015.
5. The DCI Operator will give the investigating officer the NIC number associated with the missing person.
6. Upon receiving a missing persons message via DCI or a telephone call if DCI is down, the Communications Center will simulcast child abduction information on all talkgroups as quickly as possible after the message is received.

H. Supervisor Responsibilities

1. Ensure the Amber Alert criteria have been met.
2. Ensure the gathered information is broadcast to the Communications Center.
3. Notify and request the Youth Services Unit supervisor to respond to the scene.
4. Ensure chain of command notification to include the PIO and the Chief of Police.
5. Get the NIC number from the investigating officer that the DCI operator gave.
6. Complete the "Amber Alert" on the nccmp.ncshp.gov website
7. The website will ask you for an email address. Use PoliceDCIUsersList@FayettevilleNC.gov
8. Furnish photo of child and abductor if known and if available.
9. Request Forensic Technician to respond to the scene.
10. Contact on call Violent Criminal Apprehension Team (VCAT) Supervisor.
11. Issue EverBridge notification.
12. Should the missing person be located contact CMP for the Deactivation Code, complete the necessary paperwork and contact DCI and provide them with any additional documentation.

I. Communications Center Responsibilities

1. Communications Center will broadcast an Amber Alert.
2. Enter BOLO information in DCI and disseminate to surrounding law enforcement agencies.
3. Communications personnel will follow the IAED Missing Person protocol alongside the APCO ANSI Standard 1.101.3-2015.

J. DCI Responsibilities

1. Finalize the DCI entry and issue a standard BOLO (Be on the Lookout). Ensure the standard BOLO header clearly reflects the alert type using the following format:

    a) BOLO MISSING PERSON SILVER ALERT
    b) BOLO MISSING PERSON AMBER ALERT
    c) BOLO MISSING PERSON ENDANGERED ALERT
    d) BOLO MISSING PERSON ASHANTI ALERT

2. Emails from the Center of Missing Persons and Follow-Up
    a) Upon receipt of the "Approval" and "Cancel Alert Activation" emails, print a copy of both and add them to the case file.
    b) The email also serves as a notification to issue the appropriate alert BOLO (Silver, Amber, or Endangered).
    c) If no email is received within one hour of providing the above instructions, contact the assigned Officer, Detective, or Sergeant for follow-up.
    d) If they used a personal or alternate email, instruct them to forward the message to **policedciuserslist@fayettevillenc.gov**.

3. When the missing person is located, a supplement needs to be completed by an officer, signed by a Sgt or above, and taken immediately to DCI. The DCI operator will deactivate the missing person alert (using the "Cancel activation email") sent initially to "policedciuserslist@fayettevillenc.gov" and the appropriate "Cancel Amber/ Silver/Endangered/ Alert" DCI screen.

K. Youth Services Supervisor Responsibilities

1. Respond to the scene, assume the investigation, and assign duties and responsibilities to case detectives.
2. Ensure a neighborhood canvass is conducted.
3. Verify the "Amber Alert" has been activated, or activate if necessary.
4. Designate personnel as call-takers and implement "Rapid Start" to manage case leads.
5. Conduct an information-sharing meeting with representatives of surrounding law enforcement agencies.

6. Coordinate investigation with CMP.
7. Prepare posters for dissemination with use of Law Enforcement Online.
8. Monitor abduction situation and "Amber Alert" progress.
9. Determine time to cancel "Amber Alert." If the child is located, notify the CMP.
10. Upon locating the child, ensure the child's information is removed from DCI/NCIC.
11. Update Division and Bureau Commanders, the PIO, and the Chief of Police on the "Amber Alert" and the status of the investigation.

L. NC Center for Missing Persons (CMP) Responsibilities

1. ONLY the CMP is authorized to activate an Amber Alert.
2. Communicate with investigating officer.
3. Validate Amber Alert request.
4. Review request for completeness.
5. Notify Division of Emergency Management to activate Emergency Alert System (EAS).
6. Notify the Department of Transportation to activate DMS, if applicable.
7. Notify commercial partnerships.
8. Notify contiguous states.
9. Monitor the progress of the investigation and alert apparatus; modify or cancel.
10. Within a week of cancellation facilitate a follow-up conference which will include all organizational partnerships to evaluate and strengthen the process.

M. Media Strategy

The Public Information Officer (PIO) or designee will act as the liaison with the news media. The FPD will consider the risk to the child when releasing information that may be seen or heard by the suspect. When appropriate, the FPD may use a family member, clergy or their designee as a spokesperson.

3.9.2 MISSING PERSONS CALLS

A. When the Communications Center receives a call in reference to a missing person or walk-off, it is the responsibility of the telecommunicator to ask several questions to determine if the call is classified as an emergency. Calls classified as emergencies include but are not limited to the following missing persons:

1. A child.
2. A mentally or physically challenged person.
3. An elderly person with serious medical problems.
4. Any case that indicates foul play may be involved.

B. Once priority has been established, the telecommunicator will either dispatch appropriate police personnel or transfer the caller to the Teleserve Clerk who will complete a Missing Persons Report.

C. When the Teleserve Clerk receives a telephone call in reference to a missing person or walk-off, the Teleserve Clerk must interview the caller and determine if the call is classified as an emergency. Once the call has been screened and determined to be an emergency situation, the Teleserve Clerk will contact the Communications Center to have a Police Officer dispatched. If the call is not an emergency, the Teleserve Clerk will complete a Missing Persons Report. If the child is 12 years of age or younger, it is mandatory that an officer respond.

D. Teleserve Clerks will not request the Communications Center to dispatch a Patrol Officer to any non-emergency calls without first contacting Field Supervisor. The Field Supervisor will make the decision regarding any immediate action or further investigations involving missing person's reports taken by Teleserve Clerks or Officers.

E. Missing Persons Reports

The following information will be obtained when completing a missing persons report:

1. Name and date of birth of the missing person or juvenile.

2. Physical description of the person.
3. Vehicle description, if applicable.
4. Probable destination.
5. Addresses of friends.
6. Missing person's personal habits.
7. Physical and mental condition of the missing person.
8. Recent family quarrels or trouble.
9. If the person or juvenile has been missing before.
10. Financial, marital, school or job problems.
11. Any other specific data that might assist in locating the person or juvenile.

F. The DCI operator or CRU will enter all missing persons into NCIC within two hours once the minimum mandatory data is obtained in accordance with DCI Transaction Procedures and N.C.G.S. 143B-1015.

G. Silver/Endangered/Blue/Ashanti Alert Activation

1. Upon completion of a missing person report, the reporting officer will download and complete the appropriate release form from one of the following websites:

   Missing Endangered Release: https://nccmp.ncshp.gov/docs/MissingEndangeredRelease.pdf Silver Alert Release: https://nccmp.ncshp.gov/docs/SilverAlertRelease.pdf
   Ashanti Alert Release: https://nccmp.ncshp.gov/docs/ashantiAlertRelease.pdf

   The reporting officer will immediately contact a Lieutenant or Field Supervisor to review and sign the report and release form. The supervisor will determine whether the missing person meets the criteria for activation of a Silver Alert, Missing Endangered Alert, or Ashanti Alert.

   Once approved, the reporting officer will hand deliver a copy of the report and signed release form to the DCI operator. The DCI operator will enter the minimum required information into DCI to obtain an NIC number, which will be provided to the reporting officer.

2. Upon determining that a person is missing all of the following statutory criteria must apply for the "Silver Alert" or "Endangered" Alert to be activated:

   a) Diagnosed with, or suspected of, Alzheimer's, Dementia, or other cognitive impairment that causes an irreversible deterioration of intellectual faculties that makes them unable to meet their own needs or to seek help without assistance.
   b) Silver Alert for an adult 65 years of age or older.
   c) Endangered Alert for ages 0-64 years of age.
   d) Reported missing to law enforcement within 72 hours.

3. Upon determining that a person is missing, all of the following statutory criteria must apply for the "Ashanti Alert" to be activated:

   a) When an adult between the ages of 18 and 64 has been identified as a missing individual, and,
   b) Missing under circumstances that indicate that the physical safety of the missing adult may be endangered; or
   c) That the disappearance of the missing adult may not have been voluntary, including an abduction or kidnapping.

4. If the above criteria are met, the investigating officer, with the supervisor, will enter the missing person under the correct alert on the nccmp.ncshp.gov website, and when asked for an email, use: policedciuserslist@fayettevillenc.gov.

5. The DCI Operator at CRU will immediately enter the information in accordance with DCI Transaction Procedures and N.C.G.S. 143B-1015, which states:

"A law-enforcement agency, upon receipt of a missing person report by a parent, spouse, guardian, legal custodian, or person responsible for the supervision of the missing individual shall immediately make arrangements for the entry of data about the missing person or a missing child into the national missing persons file in accordance with criteria set forth by the FBI/NCIC, immediately inform all of its on-duty law enforcement officers of the missing person report, initiate a statewide broadcast to all appropriate law-enforcement agencies to be on the lookout for the individual, and transmit a copy of the report to the Center."

6. Upon receiving a missing persons message via DCI or telephone call if DCI is down, the Communications Center will simulcast missing person information on all talkgroups as quickly as possible after the message is received.

H. Blue Alert

1. All of the following statutory criteria (N.C.G.S. 143B-1023) must be met before the NC Center for Missing Persons will activate a Blue Alert.

2. A law enforcement officer is unable to be located, or killed or suffers serious bodily injury. Under N.C.G.S. 14-32.4(a), serious bodily injury is defined as bodily injury that creates a substantial risk of death, or that causes serious permanent disfigurement, coma, a permanent or protracted condition that causes extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ, or that results in prolonged hospitalization.

3. A law enforcement agency with jurisdiction determines that the suspect poses a threat to the public and other law enforcement personnel and possesses information that may assist in locating the suspect, including information regarding the suspect's vehicle, complete or partial license plate information, and a detailed description of the suspect, or that a law enforcement officer is missing while on duty under circumstances warranting concern for the law enforcement officer's safety.

4. The head of a law enforcement agency with jurisdiction recommends the issuance of a blue alert to the Center.

5. The North Carolina Center for Missing Persons is the only agency that can activate a Blue Alert and will do so ONLY at the request of an investigating law enforcement agency head. It is then the responsibility of the Center to determine whether there is sufficient identifying data to justify Blue Alert activation. For instance, there must be sufficient descriptive data on the suspect and/or suspect's vehicle for the public to be on the lookout for something. It does no good to activate a Blue Alert if sufficient information can't be provided to the public.

I. Patrol Response

1. Police personnel are initially assigned to conduct a preliminary investigation of a missing person.
2. When an officer arrives at the scene of a missing person call, the officer will request consent to search the victim's home and premises. If consent is obtained, the officer will conduct a thorough search of the victim's home and premises for the victim.
3. When an officer at the scene verifies that the missing person is a child, a mentally or physically challenged person, or an elderly person with serious medical problems, the officer will immediately notify a Field Supervisor.
4. If the missing person may possibly still be in the vicinity of last known location, the Field Supervisor will:

    a) Direct available patrol units to respond for an immediate ground search of the area.
    b) Request that the Communications Center notify the Fire Department Chief in the affected District.
    c) Determine if additional officers should be dispatched to assist Fire Department personnel.
    d) Request investigative personnel, depending upon the age of the subject or other known circumstances at the time.
    e) Ensure an immediate search is conducted with all available resources as practical.

f) Notify the chain of command.
g) Coordinate with all agencies involved.

5. The Fire Department will designate and assign a Search Coordinator. The Field Supervisor will resume normal police duties and continue to support the search with available police resources.
6. The Field Supervisor will also refer all news media personnel to the designated Fire Department Search Coordinator, who will be responsible for all news media releases. When other public service agencies are involved in an incident, the FPD will attempt to coordinate a joint release of information.
7. Officers who locate a missing person or juvenile will either return the juvenile directly to their home or take the child to the FPD, depending on the circumstances, such as age, and mental or physical condition. Officers will notify Communications, the complainant, Field Supervisor, and Fire Department Search Coordinator.

3.9.3 RUNAWAYS

A. **Local runaways** under the age of 16 may be taken into temporary custody when there are reasonable grounds to believe the juvenile has run away from home.

1. Officers taking a runaway juvenile into temporary custody will return the juvenile home.
2. If no one is home, the juvenile will be released to the Department of Social Services for foster home placement after a reasonable waiting period at the FPD not to exceed twelve (12) hours, **N.C.G.S. 7B-1901 (b)**.

B. **In-state runaways** under the age of 16 may be taken into custody if probable cause exists to believe the person is a runaway. The officer may contact the parents if the child can be picked up in a timely manner and the waiting period does not have a negative impact on available manpower.

1. The FPD may hold the juvenile at the department for up to 12 hours in accordance with N.C.G.S. 7B-1901(b).
2. The juvenile must not have any outstanding criminal charges or secure custody orders.
3. If the parents have been contacted and indicate their response time will be lengthy and inconvenient for the FPD, the child should be secured in the Cumberland County Juvenile Detention Center.

    a) In-state runaways may be placed in the Juvenile Detention Center with a DCI hit message and a copy of the secure custody order from the entering agency.
    b) If no custody order is on file, then a Petition and a secure custody order signed by a 12th Judicial District Court Judge will be required.

4. The juvenile's parents should be advised to contact the Office of Juvenile Justice (910-678-2922) prior to departing from their location. Once the juvenile is placed in the detention center, he/she must appear before a juvenile judge who will determine the return of the child.
5. **Local / In-state runaways** who are 16 or 17 years old may be taken into custody if probable cause exists to believe the child is a runaway and has been a runaway for more than 24 hours. It is not necessary for the child to have been a runaway for 24 hours prior to filing an incident report. Incident report should be taken regardless of the date and time the child was last seen.

C. **Out-of-state runaways** who are classified as juveniles in their resident state by DCI message or telephone call from a police department may be taken into temporary custody.

1. The child may be detained and questioned if reasonable information exists that the child is like to be a runaway or an escapee.
2. When taking an out-of-state runaway juvenile into temporary custody, the officer will contact the originating police agency and advise them the juvenile has been located and that their agency must contact the Office of Juvenile Justice (910-678-2922) for details on the release of the juvenile.
3. The officer will not contact the juvenile's parents.
4. All out-of-state runaways will be placed into the Cumberland County Juvenile Detention Center.

5. The child must then appear before a district court judge to determine the release of the child through Interstate Compact.
6. Detention will occur ONLY after a District Court Judge has signed the required court order.

3.9.4 DIGITAL FORENSIC INVESTIGATIVE EFFORTS

A. Purpose: Digital communications and online activity are frequently critical in locating missing or runaway youth. Officers and investigators shall integrate digital forensic investigative efforts into all stages of the missing/runaway youth response, when lawful and operationally feasible.

B. Initial Patrol Response:

1. Patrol officers shall make reasonable efforts to identify and secure the youth's mobile phone number(s), associated devices, and social media handles/accounts.
2. Officers should request consent from parents, guardians or authorized parties to access the youth's device(s) or accounts when appropriate.
3. When legally permitted and tactically necessary, officers should initiate available phone-tracking or location-based services (e.g., carrier ping requests, emergency disclosure requests, device-finder applications).
4. Officers shall document all digital investigative steps and promptly relay relevant digital information to the department's Youth Services Unit.

C. MCD Investigative Responsibilities:

1. Youth Services investigators shall coordinate with the department's digital forensics investigative team to conduct enhanced digital follow-up, including the analysis of phone records, social media activity, messaging platforms, cloud accounts, and other electronic data sources.
2. Investigators shall promptly coordinate with digital forensics personnel, crime analysts, or regional task forces to expedite analysis of device data when circumstances indicate elevated risk.
3. Youth Services detectives shall ensure all digital evidence is lawfully collected, preserved, and stored in accordance with department procedures, privacy laws, and applicable search warrant requirements.

D. Legal and Privacy Considerations: All digital investigative actions must comply with constitutional requirements, state/federal law, and department policy related to electronic evidence, consent, and exigent circumstances. When required, investigators shall obtain judicial authorization before accessing protected digital information.

3.9.5 OFFICER/DETECTIVE RESPONSIBILITIES AFTER LOCATING A RUNAWAY

A. Initial Contact & Safety Assessment

1. Upon locating or making contact with a juvenile suspected of being the subject of a runaway report, an officer shall immediately assess the juvenile's physical and emotional safety, ensure no immediate threat or need for medical attention exists, and treat the juvenile in a respectful and professional manner.
2. The officer shall determine if the juvenile appears in danger (e.g., exploited, trafficked, injured, intoxicated, or in unsafe company) and, if so, take appropriate protective measures and notify supervision and relevant juvenile/caregiver services as required.

B. Identity Verification

1. The officer shall make every reasonable effort to verify that the juvenile is the person described in the runaway report by using **visual confirmation** and available identifiers before proceeding with disposition.

2. Verification should include, when feasible:

a) Comparison of the juvenile's appearance with descriptions and/or photographs in law-enforcement systems (e.g., missing/runaway listings, NCIC/DCI).
b) Verification of unique identifying marks, scars, tattoos, or other distinguishing features listed in the runaway report.
c) Use of available photo identification (school ID, driver's license, state ID) if the juvenile carries one — recognizing that many runaways may not have such ID.
d) Querying law-enforcement databases to check the juvenile's name, status, and any pending or active runaway/missing persons entries.

3. If there remains uncertainty regarding identity, the officer shall promptly notify a supervisor and may initiate further verification (e.g., photographs, fingerprint scan if lawfully permitted, liaison with reporting agency or juvenile court counselor) prior to releasing the juvenile.
4. The officer shall document the steps taken to verify identity (or note inability to fully verify) in the incident report or supplement, including noting which identifiers were checked, the result, and any remaining uncertainties.

C. Communication & Confirmation with Reporting/Investigating Agency

1. Once identity is reasonably established or reasonably believed, the officer shall contact the reporting agency or investigator listed in the runaway report to confirm that the located juvenile corresponds with the runaway entry (matching name, identifiers, description, case number).
2. If the juvenile is out-of-state or another jurisdiction via the Interstate Compact for Juveniles, the officer shall notify the reporting state/agency and coordinate as required under the Compact.
3. In any case of identity doubt or when confirmation cannot be made, the officer shall request supervisory review and may defer disposition until verification can be completed.

D. Disposition

1. After identity verification and notification/confirmation, the officer shall proceed with the appropriate disposition consistent with departmental policy and North Carolina law: (Return the juvenile to a parent/guardian/custodian when safe, practical, and permissible under law and policy).
2. If return to parent/guardian is not immediately feasible, or if the juvenile is in unsafe condition, take custody under applicable provisions (non-secure or secure) and coordinate with juvenile services or appropriate agency. For undisciplined runaways, statute gives certain custody timeframes.
3. When the juvenile is from out-of-state, coordinate through the Interstate Compact process for return.
4. The officer shall ensure notification of the parent/guardian/custodian as soon as practicable, unless doing so would place the juvenile at further risk, in which case alternate arrangements (such as juvenile services) shall be made.
5. The officer shall log in the report the time and method of notification and the individual(s) notified (parent/guardian, juvenile court counselor, reporting agency, etc.).

E. Documentation & Reporting

1. Officers shall prepare a detailed report or supplement that includes, but is not limited to:
2. The juvenile's initial contact location, time and condition.
3. Actions taken for safety assessment.
4. Steps taken to visually verify identity, including identifiers used, database queries, photo/ID checks, and any confirming contacts.
5. Name(s) and agency(ies) of reporting/confirming personnel contacted.
6. Notifications made to parent/guardian/custodian or other responsible adult.
7. Final disposition of juvenile: returned to custody, placed in protective or juvenile services custody, transferred out-of-state, etc.
8. Any services or referrals offered or provided to the juvenile (social services, juvenile court counselor, mental health, etc.).

9. The report shall clearly note any instance where full verification could *not* be achieved, what steps were taken to mitigate risk, and supervisory review if required.

F. Nothing in this section precludes the Youth Services Supervisor from making an alternate recommendation based upon the circumstances surrounding the runaway juvenile.

3.9.6 ABANDONED/UNIDENTIFIED CHILDREN

Occasionally officers respond to calls of children being left unattended or abandoned. Officers should coordinate a response with the Department of Social Services for assistance in these situations. DSS is the appropriate agency for assisting with the identification and placement of children for temporary care.

3.9.7 REFERENCES

N.C.G.S. 7B-1901	Duties of person taking juvenile into temporary custody.
N.C.G.S. 143B-1015	Dissemination of missing persons data by law-enforcement agencies.
N.C.G.S. 143B-1023	North Carolina Blue Alert System established.
N.C.G.S. 14-32.4	Assault inflicting serious bodily injury; strangulation; penalties.
NC Administrative Code 14B NCAC18B.0202	Timeliness
North Carolina Center for Missing Persons	https://nccmp.ncshp.gov/
CALEA Law Enforcement Standards	41.2.4, 41.2.5, 41.2.6
CALEA Communications Standards	6.2.13, 6.2.14
CALEA Training Academy Standards	N/A

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

3.10.0 OBJECTIVE

To establish a procedure for officers with the Fayetteville Police Department (FPD) regarding the stopping and approaching of traffic violators to facilitate safety for the officer, vehicle operator and passengers.

3.10.1 VEHICLE STOPS

A. An officer positioned behind a violator to begin the vehicle stop will notify the Communications Center, using their call sign. Receiving acknowledgement from the public safety dispatcher, the officer will advise the intended location of the vehicle stop, license number (given twice) and state (if other than NC), description of vehicle, direction of travel and number of occupants. The dispatcher shall repeat tag information as part of their acknowledgement/good copy of radio traffic (ex. NC Lic. Plate: "10-4 ALPHA 13, TOM-TOM-HENRY-FIVE-THREE-EIGHT- NINE; Other State Lic. Plate: "10-4 ALPHA 13, TENNESSEE TWO-NINE-ONE-BRAVO-QUEEN-CHARLIE).

B. Once an officer has announced the intention to stop a vehicle, other officers will not transmit until required information is given to and acknowledged by the public safety dispatcher. This restriction will not apply if other officers have emergency traffic.

C. Officers should note the license number of the vehicle on a note pad or via their MCT when feasible.

D. Officers should be thoroughly familiar with the area and anticipate the appropriate location to stop the violator. Consideration should be given to a location with ample space and appropriate lighting. Every effort should be made to avoid stops on hills, curves, intersections, private drives and business locations which have limited parking.

E. Officers will signal the violator to stop, through the use of blue lights, by sounding the horn and using the siren if necessary.

F. Prior to exiting the patrol vehicle, the officer will update the Communications Center of their exact location.

G. The violator will be signaled and directed to the right side of the roadway close to the curb or on to the shoulder if engineering design permits.

H. On a multi-lane roadway, the officer will ensure the safety of the violator during lane changes by gradually changing from lane to lane with the violator until the right side of the roadway is reached.

I. If the violator stops abruptly in the wrong lane or in another undesirable location, they will be promptly directed to move to a safer location. Officers should use the public address system to instruct violators to move to a safer location.

J. As soon as possible after stopping a vehicle, officers will give a status check (everything is 10-4 or assistance is needed). If within five (5) minutes the officer has not given a status check, the public safety dispatcher MUST attempt to contact the officer. If the officer does not respond to the public safety dispatcher, subsequent attempts to make contact will be made at thirty (30) second intervals. If the officer does not respond by the third call, another unit will be dispatched to check on the officer.

K. When the officer exits their police vehicle, they should conduct a safety scan of the immediate area.

L. If it is suspected that the driver is under the influence to the extent that driving ability is impaired, the violator should not be permitted to move their vehicle once it has been stopped.

M. Once the violator has stopped in an appropriate location, the officer will position the police vehicle approximately one and one-half car lengths behind the violator's vehicle, at a slight angle so the left front of the vehicle is off-set approximately two feet to the left of the violator's vehicle and the right rear is near the curb. This position will provide maximum protection to the violator, officer and other traffic.

N. Officers will exit the patrol vehicle and be continuously alert for any suspicious movement or actions on the part of violator or other occupants in the violator's vehicle.

O. Officers will approach from the rear of the violator's car, looking into the rear seat area, and will stop at a point to the rear of the trailing edge of the left front door. This position should be maintained if the only occupants are in the front seat of the vehicle. From this position officers can communicate with the violator, keeping them in a slightly awkward position and keeping other occupants of the vehicle in view.

P. In cases where the violator's car has occupants in both the front and rear seats, officers will approach to a point near the leading edge of the left front door, while being especially alert for any unusual actions on the part of the occupants and choosing a path so the door cannot be used as a weapon against the officer. From this position, officers can communicate with the violator and keep all occupants in view.

Q. In traffic stops made by two-person patrol vehicles, the passenger officer will be responsible for all radio communications, for writing notes and messages relayed from the Communications Center, and for all radio communications. During the traffic stop, the passenger officer will exit the patrol vehicle and act as an observer and cover for their fellow officer. At no time shall the two initial officers approach the vehicle together.

R. At night, caution will be exercised in selecting an appropriate place for the traffic stop, signaling the violator and positioning the police vehicle. After on-coming traffic passes, take down lights will be used to illuminate the interior of the violator's vehicle.

3.10.2 REQUEST FOR A MARKED UNIT TO CONDUCT A VEHICLE STOP

A. If a wanted person is identified or a vehicle search is conducted, the officer will request an additional unit and/or K-9 unit. The officer should continue with their investigative research of the vehicle and occupants without re-approaching the vehicle and waiting for their backup unit to arrive.

B. When assistance is requested for a marked unit to conduct a vehicle stop, the requesting officer will provide the reason the vehicle is to be stopped, and any information that could affect the safety of the stopping officer, prior to the vehicle being stopped.

C. The officer initiating the stop will take control of the vehicle stop.

D. The initiating officer will be responsible for the type of stop to be used (normal / high risk), location of the stop, and level of assistance needed and overall direction of such assistance.

E. Once the stop has been made, control will be turned over to the requesting officer.

3.10.3 KNOWN RISK TRAFFIC STOP

A. When a vehicle driven by a "known" or "suspected" high risk offender is located by a patrol officer, the officer will immediately notify the Communication Center of its location, direction of travel and give a thorough description of the vehicle and the occupants.

B. The officer will keep the suspect in view and request sufficient assistance to make the stop. No less than two officers should attempt the stop.

C. The officer will keep back-up units informed of the location and direction of travel to facilitate their approach with minimal use of emergency equipment.

D. The officer will plan to stop the suspect vehicle in a location which presents minimal danger to other citizens or officers. The known risk vehicle will not be stopped unless absolutely necessary until adequate back-up units are available and in position.

The following procedures will be used in conducting the stop:

1. When conditions are appropriate and back-up units available, the officer will move into position at the rear of the suspect vehicle.
2. The officer will signal the driver of the vehicle to stop, utilizing all emergency equipment.
3. Whenever possible, the vehicle will be stopped on the extreme right side of the road.
4. If the occupant(s) is known to be armed and dangerous, the officer will have their weapon easily accessible and ready for immediate use.
5. When the vehicle begins to stop, the officer will turn off the siren and activate the public address system.
6. The officer will position their vehicle so that it provides maximum protection.
7. At night, all lights including take downs will be focused on the interior of the vehicle.
8. The officer should exit the vehicle quickly but remain behind the open door in a crouched position. This position will allow the officer good visibility of the driver's side of the vehicle, plus immediate access to both the radio and public address system.
9. The secondary unit should be stopped at the rear of the primary unit at no angle. (Essentially, the secondary unit will be in a regular traffic stop position, offset several feet to the right of the vehicle.)
10. The secondary officer will take a position at the rear of the primary vehicle, taking care to ensure that their legs are protected by the right rear tire.
11. The officer initiating the stop will be the command officer and will be responsible for the overall direction of all secondary officers unless relieved by a field supervisor.
12. The primary officer, using the public address system, will issue clear and simple instructions to all occupants in the vehicle; when circumstances permit, the following commands should be given:

    a) "I am a Fayetteville Police Officer."
    b) "All occupants of your vehicle are considered armed and dangerous."
    c) "Do not move unless you are instructed to do so."

    Note: At this point, the occupants can be controlled inside their vehicle, allowing additional officers to be deployed.

13. The goal is to remove the occupants of the vehicle individually. As each occupant is removed, they are instructed to walk backward to a point between the primary and secondary units. At a point near the right front wheel of the primary unit, the secondary officer will begin giving commands and direct the occupant backward to a point at the rear of the primary unit. The occupant will then be instructed to assume a search position which is normally either a kneeling or prone position. The secondary officer(s) will then take physical control of handcuffing, searching and securing the occupant in a safe location. Every occupant in the suspect vehicle should be removed in the same manner.
14. Under no circumstances will an officer approach an occupied vehicle during a known risk vehicle stop. If any occupant refuses to get out of the vehicle, the officer's supervisor will be notified to respond to the scene. Upon arrival, they will make an assessment of the situation and will take appropriate action based on the situation to include:

    a) Advise the supervisor or command staff member on duty of the situation and request their presence, or
    b) Attempt to talk the suspect out of the vehicle, or, if this fails,
    c) Request hostage negotiator to respond, or
    d) Request members of ERT to respond and handle as a barricaded situation.

15. Vehicular and pedestrian traffic is another major concern during a known risk vehicle stop. As soon as possible, the primary officer or their designee will establish traffic control points at the perimeter of the scene.
16. Known risk vehicle stops create a stressful situation for the officer and the occupants of the vehicle. When a known risk stop occurs where it is later resolved that the subjects occupying the vehicle were not involved in criminal activity, the primary officer or supervisor on scene will take time to explain to the occupants of the vehicle the reason for the stop and apologize for any inconvenience the stop may have caused.
17. Officers and supervisors in known risk stop situations should remain professional and make an attempt to keep all parties calm during the stop. Be vigilant of officer safety while controlling the scene. Police training and experience has indicated that the first three seconds is the most important part of the officer's initial interaction with the public.

E. Whenever officers conduct a traffic stop involving an offender who is potentially violent, the totality of circumstances should be weighed and a known risk vehicle stop should be considered. Furthermore, barring known, extenuating circumstances, ANY vehicle stop the officer believes would elicit violent resistance should be conducted as a known risk vehicle stop.

3.10.4 REFERENCES

O.P. 3.1 Patrol Operations
O.P. 3.5 Searching, Securing and Transporting Arrested Persons
O.P. 3.21 In-Car Camera Systems
O.P 3.24 Body Worn Cameras (BWCS)

WD 4.1 Use of Force and Reporting
WD 4.10 Conducted Electronic Weapon (CEW) TASER Use and Care
WD 4.11 Use of Deadly Force and Reporting

By Order Of: Harold E. Medlock
Digitally Signed

3.11.0 OBJECTIVE

To establish procedures for reporting and responding to hazardous materials incidents occurring either in the transportation environment or at fixed facilities.

3.11.1 DEFINITIONS

A. Hazardous Material – A substance or material capable of posing an unreasonable risk to health, safety and property and including but not limited to all petrochemicals, liquid gases, compound gases, acids, corrosives and other flammable, toxic or noxious substances.

B. Hazardous Waste – Any material that appears on the EPA's list of hazardous waste, or that meets any of the following EPA criteria: toxicity, corrosiveness, reactivity or ignitability.

C. Hazardous Material Incident – The release of a material hazardous to the environment. HAZMAT incidents do not include preplanned raids or seizures involving clandestine drug laboratories.

D. Hot Zone – An area immediately surrounding the hazardous material incident. Everything within this area is considered contaminated. It will be initially determined by using the Emergency Response Guidebook. If the substance is unknown or cannot be readily identified, 2000 feet is considered a safe distance for any hazardous substance.

E. Warm Zone – An area used for decontamination. It is considered an access corridor into the hot zone. Only persons with protective clothing may enter the warm zone.

F. Cold Zone – An area surrounding the warm zone where the command post, staging area and responders will be deployed. Non-response vehicles will be diverted from this area.

G. Placard – A diamond shaped sign with colors, letters, descriptive drawing and numbers that are displayed on the sides and ends of a motor vehicle, railcar, freight container or portable tank containing hazardous materials. The number will correspond to the DOT Emergency Response Guide Book.

H. CHEMTREC – Chemical Transportation Emergency Center, a public service of the Manufacturing Chemists Association. The center provides information about the product for those at the scene of emergencies, then promptly contacts the shipper of the chemicals involved for more detailed assistance and appropriate follow up. Chemtrec is not intended and is not equipped to function as a general information source. Do not call Chemtrec on problems other than chemical cargo emergencies.

I. Shipping Papers – Papers that list the specific cargo being transported. The papers list the sender, the receiver, the carrier, the destination and details the contents and the dangers associated with the materials.

3.11.2 RESPONSE

A. The Police Department function in hazardous materials incidents will be to secure the scene, control vehicular and pedestrian traffic and assist the Fire Department Hazardous Materials Team. The Fire Department is the designated Emergency Response authority for the City of Fayetteville and will be in charge at the scene of hazardous materials incidents.

B. Officers will assist at incidents within their level of training as a first responder. All officers have been issued the DOT Emergency Response Guidebook and will keep the book in their vehicles at all times. After a hazardous material has been identified, officers will use the book to identify potential hazards and obtain immediate initial action information for fires, spills and first aid.

3.11.3 IDENTIFICATION

Identification is usually accomplished by descriptive data in shipping papers and placards. If this information is not readily obtainable due to an incapacitated driver, destruction of shipping papers or placards, officers should contact CHEMTREC at 1-800-262-8200.

3.11.4 PROCEDURES

A. Officers encountering a hazardous materials incident will notify Communications and their supervisor immediately. Officers will make every attempt to provide the following information:

1. Location of the incident
2. Type of incident
3. Material involved by name or ID number and quantity
4. Status of incident
5. Wind direction at the scene
6. Any additional information that may be helpful to emergency responders in determining the best course of action

B. Officer will approach the scene with caution and should approach from upwind and uphill. When there is any question whether materials are hazardous, officers will avoid contact with the material and will keep other persons away from the material. Officers will follow procedures specified in the DOT Emergency Response Guide Book to identify hazardous materials, take appropriate emergency action and notify relevant agencies. If the incident involves wreckage and a person is believed to be alive and trapped, officers will make every possible effort to rescue the person.

C. When dispatched to a hazardous materials incident, the initial officer will report to the command post established by the Fire Department. The Fire Department Incident Commander will establish a Command Post and will be in charge of the scene. A police supervisor or designee will be assigned to the Command Post to facilitate communication and ensure a coordinated response. The Fire Department Incident Commander will advise the assigned supervisor on scene regarding precautions that need to be taken such as:

1. Scene protection
2. Traffic control and routing
3. Crowd control
4. Escorting necessary non-law enforcement emergency equipment
5. General search and rescue
6. Evacuation notification of threatened areas

D. Injured Persons

Officers are discouraged from endangering themselves by performing rescue or other operations in the contaminated area unless the officer performing such operations is wearing protective clothing, a self-contained breathing apparatus and is trained in the use of this equipment. In the interest of officer and citizen safety, the officer should direct lifesaving activities by promptly notifying Fire Department personnel who have the appropriate equipment to safely perform such rescues. Notification should include the number of injured persons in the danger area and if possible, the nature of the hazardous material.

E. Traffic Control

Major routes should be established and maintained. Private vehicles will be prevented from entering the area and will be removed if blocking emergency equipment. Road blocks and alternate routes should be established as needed.

F. Crowd Control

Crowd control measures should be implemented as soon as possible to keep spectators away from the evacuated area as well as from the scene of the incident. This will reduce the possibility of looting and other crimes in the affected area and minimize interference and injury.

G. Evacuation

1. The decision to evacuate an area in a hazardous materials incident is generally that of the Fire Department. Implementation of the Fire Department's decision to evacuate is the Police Department's responsibility. If no Fire Department officials are present to make that decision, department command staff will make a decision.

2. The policy of this department is to request voluntary compliance with requests for evacuation, and not to forcibly evict persons from their homes and businesses. In cases involving the mentally or physically ill, those unable to understand, including children, etc. proper action will be dictated by the circumstances. Nonresidents and those without lawful business in the area may be required to leave if deemed necessary. Properly credentialed members of the press must be allowed access to the area outside of the established perimeter, after they are fully advised of the hazards involved.

   The notification procedure for evacuations will be decided by the Incident Commander. The following methods should be considered:

   a) Car PA system / LRAD
   b) Door to door by officers on foot
   c) Reverse 911Call
   d) Nixle Alert/ Press Release

3. The Public Information Officer for police or fire may request assistance from the media by broadcasting evacuation requests.

4. Evacuation should be approached in a calm, professional manner that will inspire public confidence and prevent panic. Residents should be advised to take their pets with them and lock their homes. If fire or explosion is possible, gas and electricity should be turned off at the meters.

5. Evacuees should be directed to a designated evacuation center. Time permitting, officers should note names and addresses of persons refusing to evacuate. This will assist in later civil or criminal court action and perhaps future rescue.

H. Radioactive Materials

1. Complete information concerning the incident will be forwarded to Communications as quickly as possible. This notification should include:

   a) Type of incident
   b) Basic description
   c) Exact location
   d) If possible, obtain all information contained on the Interstate Commerce Commission (ICC) labels from a safe distance. Use of binoculars is recommended.

2. The Fire Department Hazardous Materials Team will be notified immediately. Officers will not handle known or suspected radioactive materials in any way, but will protect the scene from unauthorized citizens and keep all persons at least 500 feet away.

I. Suspicious Powder Protocol

1. In accordance with the protocol established and approved by the North Carolina Department of Health and Human Services, the following procedures will be used for response to suspicious powders including potential contaminated mail:

    a) Upon notification of an incident involving suspicious powders, the Communications Division will dispatch Police to the scene.
    b) Initial responding officer will assume command of the incident.
    c) Incident Commander's (IC) first objective is to determine if the items pose a credible threat.
    d) The IC will determine the need for Hazmat or PHRST Team assistance in determining if the threat is credible and request that they respond to the incident. The IC must provide contact information for Hazmat and PHRST Team.
    e) If there is uncertainty about threat credibility or a need for consultation, contact FBI Charlotte Office at 704-672-6100, another local FBI office, or the NC State Bureau of Investigation at 919-662-4500. You must let them know you have contacted Hazmat and PHRST Team for assistance.

2. If it is determined that the substance or package does not present a credible threat the following steps should be followed:

    a) Release individuals who may have been isolated.
    b) Provide individuals that may have been exposed to the suspicious substance with 24/7 contact information for the PHRST and or LHD.
    c) Suspicious items should be returned to the complainant or disposed of by the IC.

3. If the threat is determined to be credible by the on-scene law enforcement professional, these steps should follow:

    a) Contact the Charlotte Office of the FBI for notification and to verify threat credibility prior to re-entry into the isolated area. Contact the FBI Charlotte office at 704-672-6100, another local FBI office, or the NC State Bureau of Investigation at 919-662-4500.
    b) If they are not already on-scene, contact the appropriate PHRST and LHD.
    c) If they are not already on-scene, contact the appropriate Hazmat team. Entry into the isolated area for collection of samples will be restricted to properly trained Hazmat personnel using appropriate personal protective equipment.
    d) Area isolation should be maintained.
    e) Exposed individuals should remain in the building in an isolated or safe room until they are appropriately decontaminated. Decontamination decisions (whom to decontaminate and methods) should be made by Public Health personnel with cooperation and participation of the Hazmat team and others as needed.
    f) Law enforcement and public health officials should obtain contact information for the list of individuals that may have been exposed to the suspicious substance or powder.
    g) Notify the State Laboratory of Public Health (SLPH) at 919-733-7834. Collect samples for submittal to the SLPH.

4. Areas that are suspected of being contaminated should remain isolated until laboratory results are obtained. Law enforcement personnel should be responsible for ensuring that the affected area remains isolated until public health officials release the area from isolation. Public health personnel will be responsible for decisions about area isolation. The steps should be followed to isolate affected areas:

    a) Ventilation systems serving the affected areas may need to be shut down.
    b) Affected areas should be locked or guarded to prevent entry.

5. To determine if a threat is credible the following steps should be taken:

    a) If there is a return address on a package or envelope, try to contact the sender prior to proceeding.
    b) Determine whether there is an explanation for the presence of a powder or suspicious substance in the package.
    c) Determine whether there is the absence of an implied or explicit threat.

6. Some characteristics of suspicious packages and letters include the following:

    a) Excessive postage
    b) Handwritten or poorly typed addresses
    c) Incorrect titles
    d) Title, but no name
    e) Misspellings of common words
    f) Oily stains, discolorations or odor
    g) No return address
    h) Excessive weight
    i) Lopsided or uneven envelope
    j) Protruding wires or aluminum foil
    k) Excessive security material such as masking tape, string, etc.
    l) Visual distractions
    m) Ticking sound
    n) Marked with restrictive endorsements, such as "Personal" or "Confidential"
    o) Shows a city or state in the postmark that does not match the return address

7. Sample Collection

    a) Samples should be collected only after law enforcement, Hazmat and public health personnel have determined that there is a credible threat presented by the substance.
    b) Entry into the isolated area and collection of samples should be done by properly trained Hazmat personnel using appropriate personal protective equipment as specified in OSHA standard 1910.120, Appendix B.
    c) If visible powder or liquid is present on surfaces, a swab or wipe sample should be collected for submittal to SLPH.
    d) If a package or container would need to be opened or disturbed to access visible substance, the package or container should not be opened and should be packaged and submitted to the lab intact. Submittal of items such as clothing, office products, furniture, or other items to the laboratory should be avoided.
    e) Prior approval for submittal of these items must be obtained from the SLPH.
    f) Law enforcement personnel must be consulted about sample collection to ensure that forensic integrity of the site and samples is maintained during the site entry and sampling process.
    g) Hazmat will test the item for explosives and ionizing radiation prior to taking samples.
    h) Attachment C provides the details for collecting and documenting samples and can be found at http://epi.publichealth.nc.gov/phpr/docs/protocolguideandattach.pd .

8. Sample Packaging

    Samples should be packaged in "generalized triple packaging" as specified by CDC for shipment of biological agents. **Samples *SHOULD NOT* be packaged in paint cans**. Hazmat personnel with assistance from the PHRST Team will package the samples using the guidance provided in Attachment D can be found at http://epi.publichealth.nc.gov/phpr/docs/protocolguideandattach.p

9. Sample Transportation

    Law enforcement or public health personnel should transport samples to the SLPH. A "Chain of Custody" record form and "Sample Information" form must accompany all samples. This form will be initiated when the sample is collected and maintained until the sample reaches the SLPH. Copies of the form can be obtained from Hazmat. "Sample Information" form can be found at,

http://slph.state.nc.us/Forms/DHHS-4118-BTSuspiciousPkg-0313.pdf. Transportation to the State Laboratory should occur as soon as possible to rule out the presence of a biological agent.

3.11.5 SAFETY PRECAUTIONS

A. Awareness level guidelines for events involving chemical, biological, radiological, and nuclear weapons (CBRN) and hazardous materials are included in the Cumberland County Emergency Operations Manual.

B. Avoid physical contact with the hazardous substance. Exposure that may endanger you can occur through contact, inhalation, ingestion or absorption. Hazardous materials may be colorless and odorless.

C. Eliminate open flames and the possibility of sparks from smoking, flares, electricity, etc. Shut off automobile engines. Never enter the "hot zone" in an automobile. Do not eat, drink or smoke in the area. Do not use food or drinking water that may have been in contact with material from the incident.

3.11.6 AFTER ACTION REPORT

An after-action report will be completed by the police supervisor assigned to the incident. The report will be completed in accordance with the Operating Procedure entitled Critical Incident Plan. The purpose of this report is to identify any training or operational deficiencies that need to be corrected to more effectively handle future incidents.

3.11.7 REFERENCES

Operating Procedures: 4.5: Critical Incident Plan

By Order Of: Harold E. Medlock
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **3.12**
	Subject **EXPLOSIVE DEVICES AND BOMB THREATS**	**Effective Date** 12 December 2025
	Revised 05-26-88, 08-14-98, 02-25-02, 01-26-07, 07-28-09, 11-13-13	**Page** 1 of 3
	CALEA Standard N/A	

3.12.0 OBJECTIVE

To establish procedures for responding to calls for service involving explosive devices and telephone bomb threats.

3.12.1 TELEPHONE BOMB THREATS

The Communications Center will gather as much information as possible in order to facilitate an appropriate response. The Communications Center or other police representative who receives a telephone bomb threat should record all information received, to include:

1. NOTE THE EXACT TIME. This is important since most bombs are activated by some type of watch or clock which normally restricts the "bomber" to a 12-hour period or less.
2. If the caller specifies a time, ask him/her to repeat the exact time. Note whether or not the caller used the 24-hour time system.
3. Ask all the questions that could be helpful in locating the bomb or that would be helpful if the call is a hoax.
4. Ask for the location of the bomb by saying "Did you say the bomb is in the basement (or lobby, executive suite, etc.)?"
5. Ask for the time of possible detonation.
6. Inform the caller that the building has personnel and a bomb could result in death or injury to innocent persons.
7. Note characteristics of the caller such as name, if available, sex, voice characteristics (loud, soft, young, old, fast, slow, distorted, accent) and caller demeanor (calm, angry, nervous, etc.).
8. Note background noises, such as motors running, music and other sounds which may provide clues as to where the call is being made.
9. Immediately after the caller hangs up, dispatch appropriate police personnel and fire personnel.

3.12.2 RESPONDING OFFICER'S RESPONSIBILITY

A. Upon receiving a call of a telephone bomb threat, suspicious package or found explosive, the initial responding officer will proceed to the location as quickly as possible.

1. Suspicious Package is one that cannot be eliminated as a threat through interviews, observations, investigation and other non-intrusive means to include an Explosives Detection K-9 general search.

2. An Improvised Explosive Device (IED) is a device that is placed or delivered which is fabricated in an improvised manner incorporating explosives, destructive or lethal chemical fillers designed to destroy, disfigure, distract or harass. As a general rule, soda bottles with chemicals that cause an overpressure and rupture the container are not considered IED's.

3. An explosive is a chemically unstable material, which is designed to produce an explosion resulting in the production of heat and the formation of gases, which are accompanied by shock and a loud noise.

NOTE: Only trained bomb technicians should examine, touch, move or explore suspicious packages and IED's.

B. Approaching Threat Location

1. Prior to arrival at the designated location of the bomb threat, suspicious package or IED, the responding officer will check out with Communications. This will be done to prevent the possible accidental detonation by radio or cell phone signals. The responding officer should also be mindful of the potential for secondary devices when positioning emergency vehicles and planning their approach to the scene.

   NOTE: Receiving radio signals is not an issue. Transmitting from a two-way radio producing the RF signal could cause possible detonation. In that regard, be mindful of transmitting on a police radio, and/or carrying two-way pagers and cell phones which constantly emit a signal near a suspected IED.

2. After arriving at the scene, the responding officer will contact the person responsible for the premises or complainant to determine if there is additional information concerning the call or location of any potential device.

3. The responding officer will also attempt to locate and secure a landline to be used as primary communications during the search for the explosive device. The Communications Center or the field supervisor will be notified of the designated line after it has been secured.

4. The responding officer will maintain contact with the on-scene Fire Department supervisor for the purpose of providing timely information regarding the progress of the search.

C. Approaching Telephone Bomb Threat Sites

1. In incidents involving telephone bomb threats, the responding officer will inform the person responsible for the premises that they may or may not elect to conduct a search of the premises. It is a voluntary act on their part. If the person responsible for the premises elects to conduct a search, the responding officer shall assist the person in charge of the premises in designating search teams with the available people who are familiar with the building and its contents. The responding officer will also attempt to contact the department's Canine Explosive Detection Team to determine their availability prior to beginning the search.

2. The responding officer will inform all persons involved in the search that they are in no way to touch, open, move or attempt to disarm any suspicious packages or devices. Explosives can become unstable over time and may detonate if moved or exposed to air. Military devices may appear safe, but could be improvised for detonation.

3. If a suspicious package or explosive device is located, the responding officer will immediately stop the search, notify the field supervisor and in conjunction with establishing a scene perimeter, begin evacuating the area.

D. Approaching Detonation Site

If responding to an actual detonation of an IED, the responding officer should be mindful of the high probability for secondary devices and use extreme caution when planning their approach, positioning emergency vehicles, establishing a perimeter and command post and evacuating the area.

3.12.3 SUPERVISOR RESPONSIBILITY

A. After being notified of the location of a suspicious package or explosive device the field supervisor will have the Communications Center immediately contact the FPD bomb canine handler who will respond and, if necessary, contact the Bomb Unit for Cumberland County Sheriff's Office. In the event the 911 Communicator receives no answer contact should be made with the CCSO Watch Commander at 910-677-5432 or 910-323-1500 to request the assistance of the Bomb Unit.

B. Because the possession and use of explosives is also regulated by federal agencies the field supervisor will contact the Fayetteville Field Offices of the Bureau of Alcohol, Tobacco, Firearms and Explosives and the Federal Bureau of Investigation.

C. Normal business hours for the ATF and FBI Fayetteville Field Offices are Monday thru Friday 8:00 am to 5:00 pm.

1. ATF Fayetteville Field Office 910-483-3030
2. FBI Fayetteville Field Office 910-483-5163

D. After normal business hours or in the event that there is not a response from the local field offices, the following phone numbers should be utilized.

1. ATF National Emergency Operation Center 1-888-283-2662
2. FBI Operation Center 1-704-672-6100

E. The field supervisor will respond to the area of the suspected explosive device to ensure an adequate perimeter has been established and to oversee evacuation procedures until the arrival of the CCSO Bomb Unit.

F. The field supervisor will consider the size and location of the device in determining the distance to be evacuated and placement of a command post. A good starting point is 500-1000 feet for a small pipe bomb type device. The field supervisor will also be mindful of the potential for secondary devices when determining a command post and evacuation area.

G. In the event an explosive device does explode prior to the arrival of the CCSO Bomb Unit the scene perimeter will include all areas within the debris field. The CCSO Bomb Unit will search the area prior to entry by police or other personnel.

H. The Detective Division will also be notified so that investigative efforts can be coordinated with the CCSO Bomb Unit and the responding federal agencies.

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

3.13.0 OBJECTIVE

To establish a procedure for reporting and recovering stolen vehicles.

3.13.1 REPORTING STOLEN VEHICLES

A. Upon receipt of a call reporting an auto theft, the Call Taker will obtain as much vehicle information as possible to include the following:

1. Vehicle year
2. Make
3. Model
4. Color
5. VIN
6. Registration
7. Owner Information
8. Location of theft
9. Date of theft
10. Direction of travel if known

B. The dispatcher will dispatch an officer to the scene to take a report. After the officer is dispatched, the Telecommunicator will attempt to verify the information through DMV files.

C. Upon arrival at the scene of an auto theft, the officer will record all data on the appropriate report forms. The officer will then broadcast a BOLO of the missing vehicle over radio or MCT, to include:

1. Year
2. Make
3. Model
4. Color
5. Registration
6. Date of theft
7. Direction of travel if known
8. Any other identifiers that would aid in locating the vehicle i.e.: tinted windows, chrome wheels, body damage, etc.

D. If no calls are pending, the officer will notify their supervisor that they are returning to the station to have the vehicle information entered into DCI. The officer will contact the DCI clerk and have the vehicle entered into DCI as soon as possible and within DCI guidelines.

3.13.2 RECOVERY OF STOLEN VEHICLES

A. When an officer is dispatched or locates a stolen vehicle, Communications will be notified of the license plate number and the VIN number. Upon confirming that the vehicle is stolen, the dispatcher will attempt to notify the owner of the vehicle. In instances where the stolen vehicle was entered by an outside agency, the dispatcher will send a hit request, then once a hit confirmation is received both the request and the confirmation will be placed in the CAD call. The dispatcher will then send a DCI message to that agency to advise of the recovery and to request that the outside agency attempt to make contact with the owner.

B. If the vehicle is drivable, and the owner is local, the officer will stand by until the owner arrives on the scene. Officers will give the owner a reasonable amount of time to arrive (at least 30 minutes). If the time becomes excessive, the officer will notify their supervisor to determine if he should continue to wait or request a rotation wrecker.

C. If an owner cannot be contacted the officer will have the vehicle towed in accordance with the department towing policy. Officers will document in the police report the name and location of the wrecker service that towed and stored the vehicle.

D. Officers will indicate on the Vehicle Storage Receipt/Affidavit/Notice of Right to Hearing form (POL 431) or in VINS/Electronic Towing Report if the owner needs to be contacted or if the owner was present. The Central Records Unit is responsible for managing VINS and as a feature of VINS the owner is automatically notified by mail as to the location of their vehicle and their right to a hearing.

E. In addition to POL 431/VINS, officers will complete a Supplemental Report if the vehicle was entered and reported by our agency. If the vehicle was entered by another agency, then an Incident Report will be completed. Officers will describe in the report the type of evidence collected by the Forensic Technician and the disposition. Whether supplemental or an incident report, the officer will turn the report in to the DCI Clerk so that the vehicle can be removed from NCIC/DCI.

F. The officer will request Communications to dispatch a Forensic Technician or patrol officer trained in fingerprint collection to process the vehicle. The vehicle will be processed in accordance with the Operating Procedure entitled Collection and Preservation of Evidence prior to releasing the vehicle to the owner or to the rotation wrecker.

3.13.3 REFERENCES

Operating Procedures: 6.1: Collection & Preservation of Evidence

By Order Of: Harold E. Medlock
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3.14.0 OBJECTIVE

To establish guidelines for officers and professional staff members for responding to situations involving persons exhibiting abnormal behavior or who have contact with the general public and may encounter persons exhibiting signs of mental illness and provide an alternative response utilizing crisis intervention. Our goal is to set a standard of excellence for our officers with respect to treatment of individuals with mental illness.

3.14.1 DEFINITION

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

3.14.2 EMPLOYEE TRAINING

A. 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 Basic Law Enforcement or during in-processing with the department. This training will be provided to professional staff and sworn personnel on PowerDMS annually. All training documentation will be maintained by the Specialized Services Bureau in the employee's training file.

B. The Department's Crisis Intervention Team (CIT) function is comprised of specially trained officers who can be dispatched to incidents that involve a mental health crisis. Officers who are CIT certified will be dispatched when available to provide a more specialized response for working through mental health situations and provide additional assistance instead of basic call for service by utilizing local resources for the individual involved.

C. Crisis Intervention Team training (40 hours of specialized instruction) will be provided to as many members of the department as feasible based upon class availability.

3.14.3 RECOGNITION OF THE CHARACTERISTICS OF MENTAL ILLNESS

A. Mental illness is often difficult for even trained professionals to define in a given individual. Employees are not expected to make judgments of mental or emotional disturbance but rather to recognize behavior that is potentially destructive and/or dangerous to self or others. The following are generalized signs and symptoms of behavior that may suggest mental illness although employees should not rule out other potential causes such as reactions to narcotics or alcohol or temporary emotional disturbances that are situationally motivated. When making judgments about an individual's mental state and need for intervention absent the commission of crime employees should evaluate the following:

B. Degree of Reactions
Mentally ill persons may show signs of strong and unrelenting fear of persons, places or things. The fear of people or crowds, for example, may make the individual extremely reclusive or aggressive when provoked.

C. Appropriateness of Behavior
An individual who demonstrates extremely inappropriate behavior for a given set of circumstances may be emotionally ill. For example, a motorist who vents his frustration in a traffic jam by physically attacking another motorist may be emotionally unstable.

D. Extreme Rigidity or Inflexibility

Emotionally ill persons may be easily frustrated in new or unforeseen circumstances and may demonstrate inappropriate or aggressive behavior in dealing with the situation. In addition to the above, a mentally ill person may exhibit one or more of the following characteristics:

1. Abnormal memory loss related to such common facts as name, home address, etc. (although these may be signs of other physical ailments such as injury or Alzheimer's disease).
2. Delusions, the belief in thoughts or ideas which are false, such as delusions of grandeur ("I am Christ.") or paranoid delusions ("Everyone is out to get me").
3. Hallucinations of any of the five senses (e.g., hearing voices commanding the person to act, feeling one's skin crawl, smelling strange odors, etc.).
4. The belief that one suffers from extraordinary physical maladies that are not possible, such as persons who are convinced that their heart has stopped beating for extended periods of time.
5. Extreme fright or depression.

3.14.4 DISPATCH OF CALL AND ACCESSING RESOURCES

A. When the Communication Division receives a call through 911 of a situation that appears to involve a mental health crisis, the dispatcher will obtain as much information as possible from the caller regarding the subject's behavior, level of distress, potential threat and observation of any weapons. In each of these situations, at least two officers and a supervisor will be dispatched to respond. When possible, the closest available CIT officer should be directed to respond to the call as one of the responding officers.

B. If a call is received that is not immediately recognized as a mental health crisis response call, however if the first arriving officer on the scene determines that a CIT officer is needed, the first arriving officer will request a CIT certified officer to respond.

C. The Communication Division will have access to all referral information available for Behavioral HealthCare resources and authorized emergency evaluation facilities. Upon request, Communications will provide this information to employees or citizens. During BLET, in-service training and new employee orientation, employees will be familiarized with procedures for accessing available community mental health resources.

3.14.5 GUIDELINES FOR SWORN PERSONNEL

A. Should an officer suspect that an individual may be mentally ill and a potential threat to himself/herself, others, the officer, or who may otherwise require law enforcement intervention for humanitarian reasons as prescribed by statute, the following responses may be taken:

1. Request a backup officer, and always do so in cases where the individual will be taken into custody.
2. Where possible, eliminate emergency lights and sirens, disperse crowds, and assume a quiet non-threatening manner when approaching or conversing with the individual (the practice of non-violent intervention techniques are particularly valuable in assuming a non-threatening posture). When the individual has not engaged in violence or destructive acts; avoid physical contact and take time to assess the situation.
3. Provide reassurance that the police are there to help and that they will be provided with appropriate care.
4. Be helpful and professional.
5. Remain calm and avoid overreaction.
6. Attempt to de-escalate the situation by calming the environment and any person present at the situation.
7. Use appropriate actions or tactics as warranted to maximize personal safety.
8. Approach in a quiet, non-threatening manner that is mindful of personal space.
9. Seek out and utilize available information from persons on scene, including but not limited to family members, friends, caretakers, or previous call history.
10. Provide or obtain on-scene emergency aid when treatment of an injury is urgent.

11. Check for and follow procedures that may be indicated on a medical alert bracelet or necklace.
12. Talk calmly in a moderated voice.
13. Listen to what the subject has to say.
14. Use simple and direct instructions and be prepared to repeat them.
15. Be patient and allow for potential delayed response times.
16. Reduce sensory distractions and extraneous noises when possible.
17. Empathize with the subject.
18. Don't argue or agree with any delusion/hallucinations a person may be experiencing.
19. Realize no eye contact may be part of the illness and not a sign of deception.
20. Ask if they have a case worker, counselor, friend, or family member you can contact for them.
21. Take your time and don't rush the person.

B. The following are some things sworn personnel should generally attempt to avoid when dealing with a person suspected of a mental illness, unless the circumstances of a particular situation dictate that these tactics are necessary:

1. Invade their personal space if possible.
2. Deceive them.
3. Threaten them.
4. Overload or confuse them.
5. Argue or agree about delusions/hallucinations.
6. Joke, laugh, or whisper.
7. Stare.

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

3.14.6 GUIDELINES FOR PROFESSIONAL STAFF

A. The following are some guidelines and strategies for the department's professional staff to use, if they deem necessary, when dealing with individuals suspected of having a mental illness:

1. Be helpful and professional.
2. Remain calm and avoid overreaction.
3. Attempt to de-escalate the situation by calming the environment and any person present at the situation.
4. Request for Sworn personnel to be contacted or dispatched to the location of the incident.
5. Use appropriate actions or tactics as warranted to maximize personal safety.
6. Approach in a quiet, non-threatening manner that is mindful of personal space.
7. Seek out and utilize available information from persons on scene, including but not limited to family members, friends, caretakers, or previous call history.
8. Provide or obtain on-scene emergency aid when treatment of an injury is urgent.
9. Check for and follow procedures that may be indicated on a medical alert bracelet or necklace
10. Talk calmly in a moderated voice.
11. Listen to what the subject has to say.
12. Use simple and direct instructions and be prepared to repeat them.
13. Be patient and allow for potential delayed response times.
14. Reduce sensory distractions and extraneous noises when possible.
15. Empathize with the subject.
16. Don't argue or agree with any delusion/hallucinations a person may be experiencing.
17. Realize no eye contact may be part of the illness and not a sign of deception.
18. Ask if they have a case worker, counselor, friend, or family member you can contact for them.

19. Take your time and don't rush the person.
20. Once sworn personnel arrive then the professional staff member should turn the scene over to them.

B. The following are some things professional staff should generally attempt to avoid when dealing with a person suspected of a mental illness, unless the circumstances of a particular situation dictate that these tactics are necessary:

1. Invade their personal space if possible.
2. Deceive them.
3. Threaten them.
4. Overload or confuse them.
5. Argue or agree about delusions/hallucinations.
6. Joke, laugh, or whisper.
7. Stare.

3.14.7 INTERVIEW AND INTERROGATIONS

A. Officers attempting to conduct an interview with a developmentally disabled or mentally ill individual may consult with a mental health professional to determine if the person has the capacity to understand the Miranda rights.

B. If the disabled person is a witness, detectives should:

1. Not interpret lack of eye contact or strange actions as indications of deceit;
2. Use simple and straightforward language;
3. Not employ common interrogation techniques, suggest answers, attempt to complete thoughts of persons slow to respond or pose hypothetical conclusions; and
4. Recognize that the individual may be easily manipulated and highly suggestible.

3.14.8 COMMITMENTS

All service of commitment orders must be approved by an on duty Watch Commander.

A. Voluntary Commitments

Officers will attempt to seek non-arrest resolutions of mental cases whenever possible. Referral to appropriate facilities on a voluntary basis is the desired result.

1. Officers should refer persons who appear to be in need of mental health treatment and do not pose an imminent danger to themselves or others to a Behavioral Health Care facility. Officers should provide a family member or other responsible person with the information necessary to secure the needed assistance.
2. Referrals within the city will be made to Cape Fear Valley Medical Center (CFVMC). Persons who are or have been under the care of a private physician should be referred to that physician.
3. Officers will complete an Incident Report in cases where a patient who was voluntarily committed "walks off" from a mental health facility.

B. Involuntary/Emergency Commitments

Officers will seek involuntary commitment orders when the safety of the public or the individual involved is at risk. Officers will complete involuntary commitment orders in accordance with N.C.G.S. 122C-261. Officers will follow the MFR Entry for Mental Commitment Patients to document the Mental Commitment call for service and related activities.

1. If a person appears to be a threat to himself/herself and/or others, a relative or other responsible person may seek the issuance of a temporary "Involuntary Commitment Order" from the on-duty Magistrate.

2. Officers should refrain from initiating involuntary admission (emergency commitment) unless there is no relative or other responsible person available and/or the officer has probable cause to believe the person is mentally ill and appears to be potentially dangerous to himself/herself or others.

3. Officers should observe the person and make note of all signs of abnormal behavior, the circumstances under which the behavior is observed and any other pertinent information. This information will be documented in the Incident Report and conveyed to the medical personnel. Officers are required to provide CFVMC ED staff abnormal behavior and historically relevant information for assessment purposes.

4. When taking a mentally disturbed person into custody via involuntary commitment order or emergency commitment order, the officer may choose to use restraints. If handcuffing causes the person to become more combative the officer should contact the supervisor and request an ambulance at the scene. Medical personnel may choose to use leather restraints or other means to subdue the person

5. The use of non-deadly weapons, including a CEW, will be strictly prohibited on actively resistant subjects being taken into custody for an Emergency or Involuntary Commitment unless the subject becomes violent or presents an imminent threat to the officer or a third party.

C. Probable Cause

In cases of voluntary and involuntary commitments, officers will use probable cause to determine that the person is mentally ill and in need of emergency services. Probable cause is based on the following conditions:

1. The person appears to be an imminent danger to himself/herself and/or others.
2. The person appears to be unable to care for himself/herself. He is unable or refuses to accept intervention that would meet minimum needs for food, clothing, shelter or physical well-being.
3. The person appears to be suffering substantial mental deterioration and exhibits an inability for reasonable comprehension and normal adjustments in life style.

3.14.9 DISPOSITIONS

A. Officers who serve an involuntary commitment order on a mentally disturbed person will remain with the person based upon assessment and recommendation of the CFVMC ED staff. Officers will complete the "return of service" on the reverse side of all original documents and return the documents directly to the Magistrate. Officers will remain with the person when they have initiated an emergency commitment.

B. During the admission process, the examining physician may recommend the person for outpatient treatment. In this case, the law requires the officer to return such released patients to their residence or to the residence of a consenting person (N.C.G.S. 122C-263 (d)(3)). The physician's evaluation and all original copies of the commitment order must be returned to the Magistrate.

3.14.10 TRANSPORTATION

A. A minimum of two officers will be required to take custody of any mentally disturbed person. The transporting officer will be of the same sex as the arrestee. If an officer of the same sex is not available, two officers will transport the mentally disturbed person. All officers transporting a mentally

disturbed person, whether a juvenile or adult, must notify the Telecommunicator of their beginning mileage, destination and ending mileage.

B. Officers will transport mentally disturbed persons to Cape Fear Valley Hospital Emergency Department. There is no duty requirement for a law enforcement agency to transport individuals who voluntarily seek hospital admission.

3.14.11 REFERENCES

WD 1.9	Duty to Intervene
WD 4.1	Less Lethal Use of Force and Reporting
WD 4.10	Conducted Energy Weapon (CEW)
OP 3.5	Custody and Control of Arrestees and Their Property
CALEA Law Enforcement Standards	1.1.3, 1.2.6, 41.2.7, 70.2.1, 70.3.1, 70.3.2, 74.2.1
CALEA Communications Standards	N/A
CALEA Training Academy Standards	N/A

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **3.15**
	Subject **ENCOUNTERS WITH HOMELESS PERSONS, TRESPASSERS, AND CITIZENS RECORDING IN PUBLIC**	**Effective Date** 30 January 2026
	Revised 12-12-97, 02-29-00, 02-25-02, 09-14-09, 04-01-10, 11-25-13	**Page** 1of 5
	CALEA Standard N/A	

3.15.0 OBJECTIVE

To establish guidelines for officers who encounter or respond to a call for service involving a trespasser, homeless/transient person, and for persons filming, photographing, and/or audit recording in areas that may, or may not, be open to the public.

3.15.1 DEFINITIONS

A. Homeless/Transient Person – A person is considered homeless when they reside or loiter in places not meant for human habitation, such as cars, parks, sidewalks, under bridges, wood lines, or homes and buildings that have been abandoned and are substandard for housing.

B. Public place or area – A public place or area is a location that is open and accessible to the public, regardless of ownership to which the public may have access by right or by invitation, expressed, or implied.

C. Governmental Building/Property – Any structure or asset that is owned or leased by a governmental entity, including buildings for administrative, legislative, and judicial purposes, as well as land, equipment, and infrastructure.

D. Restricted areas – Areas identified as an area that public access is restricted. This restricted area can also include "Employee Only" areas or any area deemed by governmental officials as specifically not open to the public. This restriction may include, but not limited to, areas closed off due to hazardous conditions or for operational security reasons.

E. Legitimate business purpose – Having a legally justifiable and necessary reason to be in a location, governmental office or building. Legitimate business purposes distinguish an authorized visit for a specific, valid reason from casual visits or those with an illegal or improper motive.

F. True Threat – As defined by North Carolina Supreme Court, a true threat is "an objectively threatening statement communicated by a party which possesses the subjective intent to threaten a listener or identifiable group" with the intent of placing the receiver or victim in fear of bodily harm or death, or speech that is "directed to inciting or producing imminent lawless action and is likely to incite or produce such an action".

3.15.2 RESPONSE TO HOMELESS/TRANSIENT PERSONS

The Police Department receives calls for service or identifies through routine patrol individuals and families who may be homeless by circumstance or choice. While homelessness is not a crime there are homeless individuals who choose to commit criminal and nuisance activities in support of their homeless lifestyle. Individuals and families who are homeless by circumstance may not be aware of the community resources that are available and may need assistance with referral to these resources.

1. Officers responding to incidents involving homeless people will observe the person's character and demeanor to determine if the person is mentally or physically unstable and in need of medical assistance.
2. Officers will attempt to identify if the person is homeless, lost, a runaway juvenile, in need of medical attention, under the influence of alcohol or drugs, mentally ill, or simply engaged in nuisance activity such as panhandling or trespassing.
3. Officers will advise the person of any violations creating the concern or complaint and take the appropriate action to resolve the situation.

4. Officers making a misdemeanor arrest may issue a state citation in lieu of arrest if appropriate. Officers responding to multiple calls for the same subject who is committing the same activity will physically arrest when they have probable cause to do so.
5. Officers coming into contact with people who express a need for temporary housing, appear to have no means of obtaining shelter or exhibit unstable behavior will:

    a. Obtain all pertinent information on the person including name, sex, age, previous address and social security number, if known.
    b. Run a local, DCI and NCIC check.
    c. Complete an Information Exchange Form and forward the form to the Homeless Officer.
    d. If needed, call for the Homeless Officer to assist when available.

6. Officers should inform the person about assistance provided by different social services agencies. Contact numbers for those agencies will be maintained by, the Patrol District Supervisors, and the Communications Division.
7. Officers who encounter homeless/transient individuals will complete an FI Card.
8. Officers also can request for a member from the Office of Community Safety to assist.

3.15.3 HOMELESS OFFICER RESPONSIBILITIES

The Homeless Officer will:

1. Conduct a census in cooperation with other government and social service agencies, assessing the degree of homelessness within the city and participate in the yearly Point in Time (PIT) count with other agencies.
2. Conduct a strategic analysis of actual needs.
3. Work with shelters and social services agencies to create formalized policies and procedures regarding care, referrals and networking strategies to include Continuum of Care and attending Homeless Stand Downs.
4. Plan and conduct in-service training for all sworn personnel on issues, problems and referral resources for homeless/transient/street individuals as needed.
5. Apply all available efforts to assist or reduce the homeless/transient population. Efforts will be made to reunite homeless/transient individuals with their families.
6. Assist with bus fare and transportation as funds are available and maintain a ledger for all funds that are homeless related, such as obtaining birth certificates, identification, etc.
7. Participate with public awareness opportunities for educating others on the homeless situation in Fayetteville and appropriate methods for providing support for homeless individuals
8. Conduct follow-up activities on reports of homelessness activities throughout the City.
9. Conduct location checks for homeless in places not meant for human habitation such as bridges, wood lines, parks, abandoned buildings/homes, cars, etc.
10. Assist the Office of Community Safety as needed.

3.15.4 RESPONSE TO COMPLAINTS USING RECORDING DEVICES IN PUBLIC

A. Employees of the Fayetteville Police Department shall assume any interaction with the public while on-duty and in a public place may be recorded. Employees should consider encounters with citizens who are recording in a public area or non-restricted area as a consensual encounter.

B. Employees will not intentionally interfere with, block, or obstruct a person's attempt to record governmental employees or other individuals in a public area unless the recording jeopardizes officer safety or constitutes a true threat. Employees shall not interfere with recordings in public spaces outside government property (sidewalks, public parks, etc.) unless the recording violates a specific law such as obstructing a public roadway.

C. If a citizen is recording within a governmental building/property, officers shall verify whether signage or notice indicates the area is restricted, for employees only, or not open to the public. Officers should consult with a supervisor to confirm restricted status and document observations in CAD notes or incident reports, including but not limited to the location and nature of the recording, any signage

statements or actions by the individual using the recording device, any requests to leave the premises, and the final outcome.

D. It is the responsibility of the person in charge of the premises to determine whether or not the citizen has a right to be in or on the property for which they are in charge of. It is the responsibility of the person in charge of the property to request or tell the citizen to depart or leave their property.

E. If the individual who is recording has been told to leave the premises by a person in charge of the premises, then the officer can instruct the individual that they may be arrested for Second Degree Trespassing if they refuse to leave.

F. In the event an individual refuses to leave the area as instructed, officers should evaluate whether a criminal charge of N.C.G.S. 14–159.13 Second-Degree Trespassing is warranted. The officer should evaluate the following before charging the individual with Second Degree Trespassing:

1. The individual recording is located on privately owned property (even property generally considered open to the public) and a person in charge of the property has requested the individual to leave the premises;
2. The individual recording is located on governmental owned property; and,
3. Signage or notice is given that the location is restricted; or
4. The person in charge of the premises has determined the individual has no legitimate business purpose for being at the government premises aside from recording; and,
5. The individual recording is refusing to leave after being told to do so in the presence of a law enforcement officer.

G. Employees should avoid debating or engaging in arguments about constitutional rights and shall take no action solely in response to an individual recording. Officers should only request identification when there is reasonable suspicion or probable cause that criminal activity is afoot.

H. Officers shall not confiscate or damage an individual's recording devices unless pursuant to a search warrant or incident to arrest with probable cause that the device contains evidence of a crime.

3.15.5 TRESPASS AGREEMENTS

A. The following guidelines must be followed when entering into an agreement to remove Trespassers, managing the Letters of Authorization to Remove Trespassers, and executing the Trespass Agreements:

1. Trespass Agreements <u>can</u> be developed for:

    a. Vacant residences
    b. Vacant lots
    c. Businesses (after hours)
    d. City parks and bridges (after hours)
    e. Individual vacant mobile homes
    f. Individual vacant apartments

2. Trespass Agreements <u>cannot</u> be developed for:

    a. Hotels / Motels
    b. Occupied dwellings
    c. Apartment complexes
    d. Private parks
    e. Mobile home parks
    f. For a specific individual to stay away from the premises

Complaints will be forwarded to the Homeless Officer via Information Exchange marked "Trespassing" or through email.

B. Management of the Trespass Agreements

Before the Police Department will accept the authority to forbid, cite, and/or arrest persons trespassing on property, the property owner or manager must agree to:

1. Secure residence and post signs indicating "NO TRESPASSING" in a manner reasonably likely to come to the attention of intruders and provide two photographs of the trespass signs. Pictures can be hand delivered, mailed, or emailed to the Fayetteville Police Department.
2. If necessary, appear at a probable cause hearing before a Magistrate to testify that they have delegated the authority to exclude persons from their premise to the Fayetteville Police Department and that the Fayetteville Police Department is authorized to enter on their property.
3. If the offense occurs in the officer's presence, (i.e., the trespasser is on the property after he was told to leave) then the officer can give the probable cause.
4. Appear in court when subpoenaed, unless excused by the District Attorney's Office.
5. Designate any exceptions in writing, and list those persons who are authorized to be present on the property and how they can be identified (i.e., key, employee card, maintenance personnel). They must continue updating those exceptions in writing.
6. Call to update trespassing agreement thirty days prior to expiration date to renew agreement. (Agreement is good for one year and will be void on the expiration date unless the property owner updates the agreement.)
7. If property is going to be occupied, owner must call to remove property from City Trespass Agreement list.
8. If a property with a trespass agreement changes ownership, the new property owner must complete a new trespass agreement.
9. If the property management fails to meet any one of the above-stated conditions, the agreement will be void and removed from the City Trespass Agreement list.

C. Homeless Officer Responsibilities for Trespass Agreements

1. Review expiration dates and call individuals/businesses/agencies thirty days in advance of the expiration.
2. Renew the agreement every twelve (12) months, if the management wants to continue it.
3. Physically inspect the location to see if the individual/business/agency has complied with and agrees to established conditions.
4. Review each request to enter into an Agreement to Remove Trespassers from a particular location to ensure that the authorization has been properly completed and witnessed.
5. Ensure proper distribution and notification of agreement when it is completed.

    a. The original agreement will be maintained by the Homeless Officer. A copy will be provided to the Court Liaison Officer.
    b. A copy will be maintained at the Magistrate's office.
    c. The list is on the department computer network for review by sergeants.

6. Update trespass agreements in "Police Shares" as they are updated and received.

D. Execution of the Authorization to Remove Trespassers

Any officer may arrest and/or remove any intruder found upon the premises after business hours pursuant to the Authorization to Remove Trespassers and N.C.G.S. 14-159.13. The officer will place the name of the authorizing person whose name appears on the Agreement on the warrant/citation so that person can be subpoenaed to court.

3.15.6 REFERENCES

N.C.G.S. 14-159.13	Second Degree Trespassing

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

3.16.0 OBJECTIVE

To establish guidelines for responding to domestic violence incidents, providing emergency services to domestic violence victims and dependent persons in the household, collecting and preserving evidence for prosecution of an abuser, and arresting any violator as authorized by law and by this policy.

3.16.1 DOMESTIC VIOLENCE (NCGS 50B-1)

A. 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
3. Committing any act defined by NCGS 14-27.2 through NCGS 14-27.7

B. For the purpose of this section, the term "personal relationship" means a relationship wherein the parties involved:

1. Are current or former spouses;
2. Are persons of the opposite sex or same sex (see *M.E. v. T.J.*, 869 S.E.2d 624) 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 the purpose 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.

3.16.2 VIOLATION OF PROTECTIVE ORDERS

Chapter 50B gives the court authority to issue protective orders to prevent future abuse. The Court issues a wide variety of protective orders.

A. Warrantless Arrest

1. Chapter 50B-4 requires warrantless arrest in cases where there is a court order in effect and there is probable cause to believe that the suspect violated the order under any of the following provisions:

   a) Excluding the suspect from the residence occupied by the victim;
   b) Directing the suspect to refrain from:

      1) Assaulting, threatening, abusing or following the other party
      2) Harassing the other party by visiting the home or workplace, or by other means; or otherwise interfering with the alleged victim.

2. **The officer must arrest the perpetrator regardless of the present relationship or circumstances between the victim and the perpetrator.** Even if the perpetrator has moved back into the residence named on the protective order, or the victim has invited the perpetrator to his/her residence, the

officer must arrest once the active order is confirmed. Only a subsequent court order dismissing the protective order can nullify the enforcement of that order.

B. Arrest Pursuant to a Warrant

Any violation of a protective order is a misdemeanor. An officer may seek a criminal warrant for any violation and make an arrest pursuant to that warrant.

C. Ex Parte Orders

An ex parte order is a temporary order that is typically valid for up to ten days, or until the set court date for the protective orders hearing at which both parties are present.

D. Other Jurisdiction Protective Orders

Protective orders from another jurisdiction within North Carolina or from another state should be honored as any other facially valid protective order. Officers should check with the issuing jurisdiction to verify the activity of the order if the victim cannot produce a valid copy. Even if the victim cannot produce a copy of the out of state order, officers should look for the underlying crime in the violation and charge the perpetrator with that crime, e.g. trespassing, assault, etc.

E. Verification

1. Protective orders can be checked through DCI/NCIC using the defendant's name. They are maintained by agreement with the Cumberland County Sheriff's Office. Officer's will verify the existence and effective period of the order prior to enforcement action. The officer should confirm:

    a) The date on the order and the expiration date.
    b) The terms of the order and any exceptions written in the order in regard to child custody that may make arrest improper, e.g. the judge has written in exceptions to the trespass order for visiting kids.

2. If the officer cannot verify the existence and status of the order, the victim should be informed on how to file for a warrant for a violation of a protective order with a magistrate. The officer should explain to the victim the need to keep a copy of the order available.

F. Enforcement

1. Suspect not on the scene:

    a) If probable cause exists that a violation has occurred and the suspect is not on the scene, officers should attempt to locate the suspect in the immediate area, or any other place identified by the victim.
    b) If located at any time, the suspect can be picked up immediately without a warrant. Without a warrant, forced entry is not appropriate unless other exigent circumstances exist.

2. On-scene arrest:

If the suspect has violated the order by committing an additional crime such as trespass or assault, the officer should charge for the new offense as well as the violation of the protective order.

G. Disposition of personal property

Officers should not become involved in disposition of personal property. Violations of a protective order regarding personal property may be enforced through the civil order to show cause process or through a criminal warrant process. In the absence of a warrant or probable cause, the officer should remain neutral and maintain the peace and safety of those present.

H. Child Custody

Police may not enforce other court orders like child custody, unless they contain clear specific language ordering law enforcement to carry out the terms of the order. Otherwise, such orders must be enforced in civil court. Unless there is a court order specifying, either natural parent has a legal right to the child. If an officer is in doubt about the authority of the court order, the officer, watch commander, or Police Attorney should contact the issuing judge or the Chief District Court Judge for verification.

3.16.3 INVESTIGATION

A. On-Scene Investigation

An on-scene investigation should include the following:

1. Confirm that a crime has been committed and attempt to identify the person(s) responsible.
2. Interview the victim and suspect separately.
3. Identify and interview all witnesses.
4. Interview children alone, if possible.
5. Seize weapons for safekeeping if necessary.
6. Provide for medical assistance, if requested.
7. Verify if there is a valid domestic violence protective order in effect.
8. Document victim's and suspect's condition, demeanor, relative size, and injuries.
9. Collect and preserve all necessary evidence, including photographs.

B. Child Abuse or Neglect

If the officer has cause to suspect any child has been abused or neglected, the officer will:

1. Notify a supervisor.
2. Request a juvenile detective from Youth Services respond to the scene, if available.
3. Document names and ages of all children residing in the household.
4. Document signs of trauma and any apparent healing of abuse wounds.
5. Photograph children, if possible.
6. Obtain statements from the victims and all witnesses.
7. Request the Department of Social Services be contacted, if necessary.

Officers will notify DSS if a juvenile has witnessed an act of violence during a domestic dispute. The Department of Social Services will make the final decision to remove a child from his/her home, if necessary, excluding an imminent danger to the child.

C. Assistance

Officers may drive victims to a hospital, shelter or Magistrate's Office, if reasonable under the circumstances. Officers may accompany victims to a residence to remove food, clothing, medication, or other personal belongings. Officers are not required to enter the residence but may do so, as necessary, to protect the complainant.

3.16.4 ARREST

A. Warrantless Arrest for Domestic Violence

Arrest is authorized without a warrant under NCGS 15A-401, if an officer has probable cause to believe that a person has committed any of the following:

1. A felony crime in or outside of his/her presence.
2. A misdemeanor crime committed in his/her presence.
3. A domestic violence crime committed outside of his/her presence that is one of the following:

    a) Simple Assault 14-33(a)
    b) Assault on a female 14-33(c)(2)

c) Assault with a Deadly Weapon 14-33(c)(1)
d) Assault Inflicting Serious Injury 14-33(c)(1)
e) Assault by Pointing Gun 14-34
f) Domestic Criminal Trespass 14-134.3

"Warrantless arrest is only applicable for domestic violence cases in which the victim and the suspect have a personal relationship as defined by NCGS 50B-1 and reference in 3.16.1 of this Operating Procedure or as otherwise allowed under NCGS 15A-401 to include situations where the suspect will not be apprehended unless immediately arrested or where the suspect may cause physical injury to others or damage property unless immediately arrested."

B. Stalking NCGS 14-277.3(a)

Officers should consider stalking under the following circumstances:

1. If the suspect willfully on more than one occasion follows or is in the presence of another person without legal purpose and
2. With the intent to cause death or bodily injury or with the intent to cause emotional distress by placing that person in reasonable fear of death or bodily injury.
3. After reasonable warning or request to desist by or on behalf of the other person; and
4. The acts constitute a pattern of conduct over a period of time evidencing a continuity of purpose.

C. General

Officers should not advise the victims of domestic violence that they may "press" or "drop" charges. The officer should emphasize to the victim and to the accused that the arrest is the State's decision, not the victims. Often cross-complaints are falsely made by an offender to avoid an arrest. In cases of "mutual combat" where an officer cannot determine the aggressor, probable cause may not exist for any arrest.

3.16.5 REPORTING

Incident reports should indicate the following:

1. The proper offense and the existing facts satisfying the elements of that crime.
2. Victim and witness names, ages, addresses, places of employment, and telephone numbers.
3. Visible injuries on the victim and on the suspect.
4. Weapons used.
5. History of violence.
6. Number and address for future contact with the victim.
7. Physical evidence noted or collected.
8. Whether the victim was instructed to go to the Magistrate's Office to seek an arrest warrant and to obtain a protective order through the Clerk of Courts.
9. Information obtained from juveniles who were present to include their name, date of birth, and address if different than the parents.
10. Social agencies contacted or referral made.
11. That contact with DSS was made for all cases in which a juvenile witnessed a domestic dispute and that the victim was offered the opportunity to go to the CARE Center.
12. Result of computer check made on the arrested party.

3.16.6 VICTIM NOTIFICATION

In accordance with NCGS 15A-831, officers will complete and give victims of domestic violence and other crimes covered by statute a Victim Notification Form (POL-661) at the time the incident is reported. In addition to the Victim Notification Form (POL 661) officers will provide victims of domestic violence the current information sheet (AOC-CV-323, Revised 2010) developed by the Administrative Office of the Courts when a personal relationship is involved, as defined in NCGS 50-(b), with the accused.

3.16.7 REFERRALS

Often domestic violence is not adequately handled by the criminal justice system. Officers will suggest referral services and assist victims in contacting agencies that may help, including the department's Victim Advocate. Referral Services include:

1. Crime Prevention Information
2. Emergency Shelter (CARE Center)
3. Short- or long-term counseling
4. Social Services and other community agencies
5. Emergency financial assistance
6. Medical Assistance
7. Emergency food and clothing

Supervisors will maintain a current list of referral agencies and their services.

3.16.8 AVAILABLE SERVICES

A. The Victim's Assistance program offers the following services to victims and their families:

1. On-scene response, when appropriate.
2. Transportation if no other means are available, for appointments related to victimization.
3. Employer and creditor intercession.
4. Accompaniment through medical procedures.
5. Accompaniment to court proceedings.
6. Information on police procedures.
7. Information on victimization and support groups.

B. Panic Buttons

Panic buttons are available for victims of domestic violence and are issued on a case-by-case basis through established criteria in conjunction with the Victim Assistance Program and the CARE Center for Domestic Violence

C. Cellular telephones

Cellular telephones programmed for dialing 9-1-1 are available for eligible victims who do not have a phone in the home.

By Order Of: Gina V. Hawkins
Digitally Signed

3.17.0 OBJECTIVE

To establish a procedure for responding to noise complaints.

3.17.1 MAXIMUM PERMISSIBLE SOUND LEVEL BY OCCUPANCY LOCATION

A. City Ordinance SEC. 17-10 states that no person shall operate or cause to be operated by any source of the sound:

1. From any occupancy, in such a manner as to create a sound level audible, at a distance from the boundary of the property, greater than the limits set forth in Table 1 below; or

2. Which exceeds the limits set forth for the use occupancy category in Table 1 below for more than five minutes, to be measured at or beyond the property boundary of the land use from which the sound emanates.

Table 1

Sound Levels by Use Occupancy Category

User Occupancy Category	Time	Sound Level Limited dB	Audibility Distance (ft)
Residential or Public Space	6 a.m. - 10 p.m.	60	75
	10 p.m. - 6 a.m.	55	35
Commercial or Business	6 a.m. - 10 p.m.	65	90
	10 p.m. - 6 a.m.	60	55
Manufacturing, Industrial or Agricultural	At all times	75	150

3.17.2 RESPONSE PROCEDURES

A. Noise Ordinance Violations enforcement will conform to the current City Ordinance.

B. When a noise complaint is received, the person taking the call should attempt to obtain the complainant's name, address, phone number, and location of the source of the noise.

C. Once the dispatched officer arrives at the location of the noise, they must determine if the noise is unnecessary and excessive. The officer will utilize the following factors to determine the appropriate course of action:

1. The number and frequency of complaints.
2. The cooperation of the person in charge.
3. The probable cause necessary for a violation.

D. Once the officer(s) on the scene establishes probable cause that the noise violates City Ordinance, they will then make contact the person in charge at the noise location, advise them of the complaint, and take appropriate enforcement action. The following enforcement actions may occur:

1. Verbal Warning
2. City Ordinance Violation citation

E. The officer will contact the complainant if known, and explain any actions taken. The officer must also explain to the complainant that if a citation were issued, it would be necessary for the complainant to appear and testify in court and provide the date and time that the complainant must appear in court. The officer will list the complainant's name, address, and telephone number on the back of the citation.

3.17.3 SOUND LEVEL METERS

A. The department maintains and utilizes sound level meters to measure noise levels. The meters are assigned to the Patrol Operations Bureau and used primarily for nuisance locations where the problem is excessive noise levels in violation of the city ordinance.

B. Training for the sound level meters will be conducted for selected supervisors on the use and application of the equipment. Each District Commander or their designee will maintain a list of supervisors trained to use the meters.

By Order Of: Gina V. Hawkins
Digitally Signed

3.18.0 OBJECTIVE

To establish guidelines for receiving and handling annoying, harassing, threatening and obscene phone calls in violation of NCGS 14-196 and Cyberstalking incidents in violation of NCGS 14-196.3.

3.18.1 DEFINITION

A. Telephonic Communication – Communications made or received by way of a telephone, telephone answering machine or recorder, fax machine or computer modem.

B. Electronic Communications – Any transfer of signs, signals, writings, images, sounds, data or intelligence of any nature, transmitted in whole or in part by a wire, radio, computer, electromagnetic, photoelectric, or photo-optical system.

C. Electronic Mail – The transmission of information or communication by the use of the internet, a computer, a facsimile machine, a pager, a cellular telephone, a video recorder, or other electronic means sent to a person identified by a unique address or address number and received by that person.

3.18.2 ANNOYING, HARASSING & OBSCENE PHONE CALLS

A. Annoying, harassing, and obscene phone calls involve the following:

1. Telephoning another repeatedly for the purpose of annoying, threatening, terrifying, harassing, or embarrassing a person at the called number.
2. Failing to hang up or disengage the connection with the intent to disrupt another's phone service.
3. Making false statements by phone to harass another.
4. Using profane or indecent language.

B. CRU Personnel will follow the listed procedures for annoying, harassing, and obscene phone calls:

1. Advise the caller that Century Link requires three (3) successful *57 traces before Century Link will take action.
2. Explain the *57 function and tell the complainant to keep a list of dates and times of attempted traces.
3. Give the complainant the Century Link Law Enforcement Support Center phone number (1-877-451-1980).
4. Give the complainant the option to file an Incident Report before or after they have obtained three (3) successful *57 traces.
5. When the complainant files a report PRIOR to obtaining three successful traces the Teleserve clerk will:

    a) Complete an Incident Report.
    b) Give the complainant the OCA number.
    c) Mark the report "Inactive".
    d) Advise the complainant that once they have obtained three successful traces with the dates and times of each trace to call CRU back to file a supplemental report.
    e) When the supplemental report is completed it will be marked closed/ cleared and warrants advised.

6. When the complainant calls AFTER obtaining three successful traces the Tele-serve clerk will:

    a) Complete an Incident Report.
    b) Give the complainant the OCA number.
    c) Mark the report "Further Investigation"

d) Advise the victim the process for obtaining warrants on the suspect and mark the report Closed/Cleared and warrants advised.

7. When the complainant is UNABLE to obtain three successful traces and requests to file a report the Tele-serve clerk will:

   a) Complete an Incident Report.
   b) Give the complainant the OCA number.
   c) Mark the report "Inactive".
   d) Advise the complainant if they obtain any additional information to call back and file a supplement report.

   If the complainant has appropriate suspect information, the clerk will explain the procedures on how to obtain a legal process through a magistrate.

8. The Investigative Bureau supervisor will assign cases for secondary investigation involving:

   a) Domestic Violence related cases.
   b) Case requiring secondary investigation for suspect identification.

3.18.3 THREATENING PHONE CALLS

A. Threatening phone calls involve using any words or language:

1. Threatening to inflict bodily harm to a person or that person's child, sibling, spouse, or dependent, or
2. Threatening physical injury to another's property, or
3. Extorting money or other things of value from another.

B. CRU Personnel will follow the listed procedures for threatening phone calls:

1. Complete an Incident Report.
2. If the complainant has appropriate suspect information, then the clerk will explain the procedures on how to obtain a legal process through a magistrate and mark the report "Closed/Cleared".
3. Give the complainant the OCA Number.
4. If the complainant has no suspect information, instruct him/her on the Sprint call tracing process and follow-up procedures listed above and mark the report "Inactive".

3.18.4 USING ELECTRONIC MAIL OR COMMUNICATIONS TO THREATEN OR EXTORT

Utilizing Electronic Mail or Communications to threaten or extort involves:

1. The threat to inflict bodily harm to any person.
2. The threat of physical injury to the property of another or
3. For the purpose of extorting money or other things of value from any person.

3.18.5 REPEATED USE OF ELECTRONIC MAIL OR COMMUNICATION TO HARRASS

A. Repeated use of electronic mails or communications to harass involves:

1. The use of electronic mail or communication to another person.
2. Repeatedly for the purpose of abusing, annoying, threatening, terrifying, harassing or embarrassing any person.

B. CRU Personnel will follow the listed procedures involving a crime where a suspect is using electronic mail or communication to threaten or extort, and repeated use of electronic mail or communication to harass:

1. CRU Personnel will complete an Incident Report.

2. If the suspect is known to the victim then CRU Personnel will advise them of the procedures for obtaining a legal process through a magistrate.
3. If the suspect is unknown then the CRU Personnel will assign the case to the Cyber Crimes Unit for follow up.

By Order Of: Harold E. Medlock
Digitally Signed

3.19.0 OBJECTIVE

To establish procedures for notifying citizens of a serious illness, serious injury or death of next-of-kin.

3.19.1 GUIDELINES

A. The Police Department will honor all requests from outside agencies or medical facilities to notify citizens of a serious illness, serious injury, or death of next-of-kin. Notification will be carried out in a prompt and considerate manner by patrol personnel.

1. The field supervisor may assign two (2) officers to notify the next-of-kin. Whenever possible, officers should arrange for a friend, relative, or member of the clergy to be present.
2. Lay chaplain personnel may be used for this purpose.
3. Victim Advocate may also be used for assistance, if necessary.

B. In the event a request for notification has been made by another agency and the assigned officers are unsuccessful in locating the next-of-kin, the requesting agency will be advised that the next-of-kin could not be located. In the event of death or serious injury through a criminal act or accident, the assigned detective or traffic investigator or their supervisor will be responsible for notification of next-of-kin.

3.19.2 DEATH NOTIFICATION

A. The following procedure will be utilized by officers assigned to death notification duty:

1. Convey the information simply and directly with warmth and compassion.
2. Make a clear statement about the death.
3. Assist in notifying friends, relatives, or clergy members.
4. Obtain medical help, if needed.
5. Assist the bereaved, if they are in shock.
6. Make referrals to other organizations that can assist them.
7. Officers will not discuss investigative details but may advise the family that a meeting with the Department can be scheduled once the investigation has been completed.

B. The officer should immediately and discretely inquire if the bereaved has a history of medical problems such as, heart problems, or hypertension and be alert for signs of physical shock.

C. The officer should know the location of the deceased and any pertinent information the bereaved may need or find useful. The officer should provide written instructions for obtaining Incident Reports or Collision Reports and may assist with obtaining a copy of the report that can be released to the public. The attending officer should also provide written names, addresses, and telephone numbers that the bereaved will find necessary or useful.

D. If the victim is military, the Fort Bragg Casualty and Mortuary Services Office will be notified by the field supervisor for assistance with identifying next of kin and contact information. Officers assigned an emergency message notification of military personnel and military dependents with out of state or overseas status will coordinate with the law enforcement agency having appropriate jurisdiction for making the official notification.

By Order Of: Gina V. Hawkins
Digitally Signed

3.20.0 OBJECTIVE

To establish guidelines for the operation of all special purpose vehicles utilized by the Fayetteville Police Department.

3.20.1 MOTORCYCLES

A. The FPD utilizes motorcycles for traffic enforcement with an emphasis on speed violations. Officers who operate motorcycles must have a motorcycle endorsement on their driver's license. Officers must successfully complete the "Basic Motorcycle Riding Course." Officers selected for motorcycle patrol will be assigned for training with a senior motorcycle officer. Officers will be evaluated in writing based on this field training. Equipment to be kept on the motorcycle will be mission specific and supplied as necessary.

B. Required Equipment

1. Blue light and siren
2. Radio
3. Flares
4. First Aid Kit
5. Rubber gloves
6. Radar

C. Each officer assigned a motorcycle is responsible for the maintenance and condition of the motorcycle. Unit supervisors are responsible for the maintenance and condition of unassigned motorcycles. Inspections of motorcycles will be in accordance with Operating Procedure Number 1.4, Inspections and will be documented on the daily roster or daily report.

3.20.2 MOBILE SUB-STATIONS

A. The department utilizes mobile police sub-stations in designated areas of the city that are determined by public safety or community needs. Currently the department has two substations. One is a self-contained unit and the other is a truck and trailer. Use of Mobile Sub-Stations allows personnel to increase public awareness, improve community relations and reduce the opportunity for victimization while engaging in community policing and crime prevention.

B. The Mobile Sub-Stations may be used as command posts during unusual occurrences. The Chief of Police or his designee may authorize other uses for the Mobile Sub-Stations.

C. Personnel assigned to operate Mobile Sub-Stations will be required to attend and successfully complete a training course in proper maintenance and operation of truck and trailer. This training will be documented. The Patrol Support Unit will maintain a roster of personnel trained to operate Mobile Sub-Stations and related equipment. Equipment to be kept in the vehicle will be mission specific and supplied as necessary.

D. The Mobile Unit will be inspected prior to and after each use and the inspections will be documented in the Mobile Unit(s) log books. The Technical Services Lieutenant will be responsible for the maintenance and the condition of the assigned vehicle.

3.20.3 CANINE VEHICLES

A. Canine Vehicles are used for patrol and training. Otherwise, only canine officers will operate Canine Vehicles. There are no special training requirements for operating a Canine Vehicle.

B. Required Equipment

1. Tinted windows
2. K-9 car kennel

3. Water bucket
4. Two foot traffic leashes
5. Six foot leash
6. Fifteen foot leash
7. Trailing harness
8. Kong/ball
9. Gauze pads
10. Plastic bags

C. Each officer assigned to a Canine Vehicle is responsible for the maintenance and condition of the Canine Vehicle. Canine Vehicles will be equipped with items necessary for the use and care of the canine. Documented inspections of Canine vehicles will be in accordance with Operating Procedure Number 1.4.

3.20.4 POLICE BOATS (K-9 and Dive Team)

A. Police Boats will be used for cadaver recovery, evidence recovery, deployment or training of the underwater dive team, public relations displays, mutual aid assistance and other uses deemed necessary by the Chief of Police, or his designee. Boats will only be operated by officers who have successfully completed a boat safety course and received a certificate of completion. The assigned supervisor (K-9 or Dive Team) will ensure that all potential operators receive this instruction and are certified to operate a boat.

B. For safety purposes, all occupants will wear an approved flotation device at all times during operation of the boat. Flotation devices are also available for canines and will be worn at the handler's discretion. An operational checklist is located at the rear port side (left) of the boat. This checklist will be completed before any operation. The Police Boats will be inspected prior to and after each use and the inspections will be documented in the log book. To ensure operational readiness the Police Boat will be inspected at least quarterly when usage has not occurred. The Unit Commanders will be responsible for the maintenance and condition of the assigned vehicle.

C. Required Equipment - Additional equipment kept with the vehicle can be found in the Appendix to this procedure.

1 Fire Extinguisher
2. Life vests
3. First Aid Kit
4. Air Horn
5. Paddles
6. Anchor Line
7. Tool Kit

3.20.5 PERSONNEL RESCUE VEHICLES

A. The Personnel Rescue Vehicles, known as the "Bearcat and the "MRAP" are armored vehicles used for recovery and/or evacuation of persons who are injured or stranded in a high-risk area. The PRV's are used to assist in civil disorders, natural disasters, barricaded subjects and the execution of narcotic search warrants with risk factors. The PRV is also used for Emergency Response Team (ERT) deployment, tactical training sessions, public relation displays, mutual aid assistance and other uses deemed necessary by the Chief of Police, or his designee.

B. Officers assigned to ERT are authorized to operate the PRV's once they have received documented training. The operators will complete a nomenclature training to guarantee safe operation and handling of the PRV's. The training will cover safety, mechanical operation, precision non-tactical operation and tactical rescue operation and will be documented. The PRV's will be inspected prior to and after each use and the inspection will be documented in the Personnel Rescue Vehicle log book. To ensure operational readiness the PRV's will be inspected at least quarterly when usage has not occurred. Any ERT team member ranked Sergeant or above may authorize deployment of the PRV's. The ERT Unit Commander will be responsible for the maintenance and condition of the assigned vehicle.

C. Required Equipment - Additional equipment kept with the vehicle can be found in the Appendix B to this procedure.

1. Blue light
2. Siren
3. Mounted winch
4. Fire Extinguisher

3.20.6 RAPID DEPLOYMENT VEHICLE & RDV Trailer

A. The Rapid Deployment Vehicle (RDV) is assigned to the ERT. The RDV will be used to transport ERT equipment and personnel for response to operations and critical incidents specific to the ERT. Operators must receive documented training on the safety, maintenance, and use of the RDV by an ERT supervisor prior to operating the vehicle. The RDV is used by the ERT to pull the ERT Equipment Trailer when additional equipment is required for an incident. The RDV and ERT Trailer will be inspected prior to and after each use and the inspection will be documented in the Rapid Deployment Vehicle log book. To ensure operational readiness the RDV and ERT Trailer will be inspected at least quarterly when usage has not occurred. The ERT Unit Commander will be responsible for the maintenance and condition of the assigned vehicle.

B. Required Equipment - Additional equipment kept with the vehicle can be found in the Appendix C to this procedure.

1. Fire Extinguisher
2. Video and Optical Surveillance Equipment
3. Breaching Tool and Bang Poles
4. Chemical Munitions

3.20.7 SEARCH AND RESCUE (SAR) TRUCK

A. The cargo truck is assigned to the Search and Rescue Team and will be utilized to transport SAR equipment to operations and critical incidents. Officers authorized to use the truck must receive documented training in the operation and use of the truck prior to operating the vehicle. The Cargo Truck will be inspected prior to and after each use and the inspection will be documented in the SRC Truck vehicle log book. To ensure operational readiness the Search and Rescue Cargo Truck it will be inspected at least quarterly when usage has not occurred. Personnel are prohibited from being on the rear of the truck while it is being operated. The Search and Rescue Unit Commander will be responsible for the maintenance and condition of the assigned vehicle. A spotter will be used when backing up. The equipment maintained in the Search and Rescue Cargo Truck includes:

B. Required Equipment -

1. Blue Lights
2. Siren
3. First Aid Kit
4. Fire Extinguisher

3.20.8 PRISONER TRANSPORT VAN

A. The Prisoner Transport Van is assigned to the Administrative Bureau and is utilized to transport prisoners whenever necessary. Officers authorized to use this vehicle must receive documented training prior to operating the vehicle. The Prisoner Transport Van may be utilized by any sworn officer of the department as long as the training requirement has been met.

B. The Prisoner Transport Van will be inspected prior to and after each use, to include an inspection of the interior for contraband and the inspections will be documented in the Prisoner Transport Van log book. The Technical Services Lieutenant will be responsible for the maintenance and condition of the assigned vehicle.

C. Required Equipment:

1. Blue Lights
2. Siren
3. First Aid Kit
4. Fire Extinguisher
5. Leg Restraints
6. Waist Chains
7. Waist Restraints
8. Lock Boxes with padlock

A. .

3.20.10 UTILTIY TASK VEHICLE (UTV)

A. UTV's are used primarily to patrol the river trail. They are also used to work festivals and other events held in the downtown area and parks.

B. Personnel assigned to operate UTV's will be required to attend and successfully complete an operational instruction class given by the Parks Supervisor. This training will be documented. The Technical Services Unit Lieutenant will maintain a roster of personnel trained to operate UTV's . The UTV's will be inspected prior to and after each use and the inspections will be documented in the log book. The Technical Services Unit Lieutenant will be responsible for the maintenance and condition of the assigned vehicle.

C. There is no required equipment to be kept on UTV's .

3.20.12 REFERENCES

OP: 11.2 Bicycle Patrol Team
OP: 1.4 Inspections

By Order Of: Anthony D. Kelly
Digitally Signed

APPENDIX A

DIVE BOAT

Standard Coast Guard Flotation
Standard Coast Guard Throw Cushion
Attwood Side Board Bumpers
Standard Wedge Anchors
Collapsible Paddles
Flexible Vinyl Console Windshield
First Aid Kit
Flares
Fire Extinguisher

APPENDIX B

PERSONNEL RESCUE VEHICLE (BEARCAT)

IRobot Packbot 510, Long range Antenna and 6 Batteries w/Charger
IRobot Packbot 510 Laptop Computer w/headset and Controller
Recon Scout XT Robot with Controller and Case
Recon Robotics Field Repair Kit
HK 69 40mm Grenade Launcher with Case
Sage SL6 37mm Launcher with case
Ibis Tek Rat Claw Kit with case (Red)
Ibis Tek Large Breaching Hook
Blackhawk Breachers Pack
Ballistic Shield

MUNITIONS

Ammo Can #1
40mm Foam Baton
40mm Rubber Baton
40mm ALS OC
40mm ALS CS

Ammo Can #2
40mm CTS OC
40mm CTS CS
Large Smoke Grenade
Large CS Smoke Grenade
Multi Blast Stun
Tactical Blast Stun
Magnum Blast Stun

APPENDIX C

RAPID DEPLOYMENT VEHICLE

Ballistic Shield
Ladders
Fiber Optic Camera
Flex Cuffs
Jumper Cables
Crime Scene Tape
2 Man Ram
Bang Pole
Blackhawk Ram
1 Man Ram
Rat Tool
Blackhawk Breacher Pack
Baseball Bat
Blackhawk Break & Rake
Blackhawk Trailer Tool
FPD Trailer Tool
Breaching Cable Set
Case of Water
Burn Box

Large Ammo Can Hostage Barricade
CTS 40mm OC
CTS 40mm CS

Large Ammo Can Less Lethal
32 Caliber Stinger
60 Caliber Stinger

Large Ammo Can Riot
OC Stinger Grenade

Small Ammo Can Riot
CTS 40mm Riot CS

Small Ammo Can Smoke
Large Smoke
Small Smoke

Small Ammo Can 40mm Smoke
CTS 40mm Smoke

ERT TRAILER

Stihl TE 400 Saw
Gas Can
Blackhawk Breacher Pack
Ballistic Blanket
Penn Arms 37mm Launcher
Igloo Water Cooler
Bus Assault Ladder
Axes
Window Breaking Tool
Heavy Wheeled Shield w/light
Medium Shield
Small Shield w/light
Large EOD Shield
Stretcher

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **3.21**
	Subject **IN-CAR CAMERA SYSTEMS**	**Effective Date** 25 April 2022
	Revised 07-27-00, 02-25-02, 04-11-05, 04-18-06, 7-21-08,, 2/15/12, 07-13-12, 8-21-12, 03-03-14, 12-30-14;, 07-25-17	**Page** 1of 4

This Operating Procedure was rescinded on April 25, 2022. Its contents were incorporated into Operating Procedure 3.24 Law Enforcement Recordings.

By Order Of: Gina V. Hawkins
Digitally Signed

3.22.0 OBJECTIVE

To establish procedures for processing forfeitures of property used in criminal offenses under North Carolina State laws.

3.22.1 FORFEITURE LAWS

A. NCGS 14-86.1 governs seizures and forfeitures of conveyances used in committing larceny and similar crimes to include armed robbery or common law robbery.

B. NCGS 90-112 governs seizures and forfeitures of items used in violation of the North Carolina Controlled Substance Act to include:

1. Controlled substances which have been manufactured, distributed, and dispensed or acquired in violation of the NC Controlled Substance Act.
2. All raw material, products and equipment of any kind which are used or intended to be used in selling, purchasing, manufacturing, compounding, processing, delivering, importing or exporting any controlled substance.
3. All property that is used, or intended for use, as a container for property described in (a) or (b).
4. All conveyances, including vehicles, vessels, or aircraft which are used or intended for use to unlawfully conceal, convey or transport any property described in (a) or (b).

    a) No conveyances used by any person as a common carrier shall be forfeited unless the owner or person in charge of the conveyance was a consenting party or privy to the violation.
    b) No conveyance shall be forfeited if the conveyance was in the unlawful possession of a person other than the owner.
    c) No conveyance shall be forfeited unless the violation involved is a **felony** under this article.

5. All books, records and research including formulas, microfilm, tapes and data which are used or intended to be used in violation of this Article.

C. NCGS 18B-504 governs forfeitures of items used in violations of ABC laws to include:

1. Motor vehicles, boats, airplanes and all other conveyances used to transport non-taxpaid alcoholic beverages in violation of ABC Laws;
2. Containers for alcoholic beverages which are manufactured, possessed, sold, or transported in violation of ABC Laws; and
3. Equipment or ingredients used in the manufacture of alcoholic beverages in violation of ABC Laws.

D. NCGS 20-28.3 governs seizure, impoundment, and forfeiture of vehicles for offenses involving impaired driving while license revoked.

1. An officer with probable cause **must** seize a vehicle when subject to forfeiture. Probable cause may be based on personal knowledge, reliable information from another officer, DMV records, or other reliable source.
2. A vehicle is subject to forfeiture when:

    a) Driven by a person in violation of NCGS 20-138.1 (impaired driving) or NCGS 20-138.5 (habitual impaired driving), and
    b) His/her driver's license was revoked as "impaired driving license revocation" {defined in NCGS 20-28 (a)}

3.22.2 SEIZING OFFICER RESPONSIBILITIES

A. Any officer who encounters a vehicle they believe is subject to forfeiture under the provisions of North Carolina Law will:

1. Determine if the owner is a consenting party or privy to the violation.
2. Review the facts of the case with their immediate supervisor before seizing any conveyance.
3. Call for the appropriate rotation wrecker to tow the vehicle i.e. DWI, Racing, or fleeing to elude.
4. Complete and forward within 24 hours all reports, including but not limited to:

    a) Incident report detailing the circumstances of the seizure and the probable cause that lead the initiating officer to believe the vehicle was subject to seizure.
    b) Any statement(s) made by the suspect, witness, etc.
    c) All storage receipts.
    d) All evidence receipts and SBI lab reports.
    e) All documentation showing ownership (title registration).
    f) Arrest sheets and citations.
    g) DMV-349 report, if applicable.

5. When considering a vehicle for forfeiture under DWI provisions the officer will also obtain and/or complete the following:

    a) A copy of the revocation letter.
    b) If there is a court order not to drive, a copy of the order is required.
    c) If there is a conviction on a military reservation, paperwork can be obtained through Provost Marshal.
    d) Out-of-state conviction requires certified copies from the state of conviction.
    e) Complete the Officer's Affidavit for Seizure and Impoundment and Magistrate's Order.
    f) Complete the Notice of Vehicle Impoundment Pretrial Release Procedure.
    g) Make copies of all documentation for the officer's use in court.
    h) Submit appropriate documentation to the Magistrate for the probable cause hearing.
    i) The magistrate will order either seizure or release. Any release order shall be conditional on the owner’s payment of outstanding towing and storage charges. These fees may not be waived.

3.22.3 DISPOSAL OF FORFEITED PROPERTY

A. All property forfeited under state law may be disposed of as follows:

1. Pursuant to applicable state law, property forfeited under G.S. 90-112 or 14-86.1 may be:

    a) retained for official departmental use;
    b) if a conveyance, transferred to the North Carolina Department of Justice;
    c) if a conveyance, and it has no further use to the agency, it may be sold as surplus in accordance with applicable state law.

2. Pursuant to N.C.G.S. 20-28.5, vehicles forfeited for impaired driving offenses while license revoked shall be sold at a public sale in accordance with G.S. 160A-266. After satisfaction of the cost of sale and any outstanding liens on the forfeited vehicle, the remaining proceeds of the sale will be paid to the county school fund.

By Order Of: Harold E. Medlock
Digitally Signed

3.23.0 OBJECTIVE

To establish guidelines for reporting and responding to complaints of identity theft, financial identity, fraud, and crimes related to this type of incident.

3.23.1 FINANCIAL IDENTITY FRAUD (NCGS 14-113.20)

A. A person who knowingly obtains, possesses, or uses personal 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, or for the purpose of avoiding legal consequences is guilty of a felony punishable as provided in G.S. 14-113.22(a).

B. Identity Theft Protection Act of 2005 (S.L. 2005-414 S1048). The jurisdiction for the offense of financial identity theft has been expanded by stating that it is considered to occur:

1. In the county where the victim resides,
2. Where the perpetrator resides,
3. Where any part of the identity crime took place, or
4. In any other county instrumental to the completion of the offense, regardless of whether the defendant was ever actually present in that county.

C. Pursuant to N.C.G.S. 14-113.21A, a victim of identity theft may contact his or her local law enforcement agency and that agency may take the complaint even though jurisdiction may lie elsewhere for investigation and prosecution. The law enforcement agency will issue an incident report and provide the complainant with a copy of the report and may refer the report to a law enforcement agency in that different jurisdiction. A complaint filed or report issued under this section is not required to be counted as an open case for purposes of compiling open case statistics.

3.23.2 TAKING CRIME REPORTS

Sworn personnel and Tele-serve employees will take crime reports for identity crimes. For those reports where the offense occurred outside the jurisdiction of the Fayetteville Police Department, such as in another city, state or over the Internet, the victim's residence will be used as the location of the incident. After taking the report, the victim will be provided with a copy and should be advised to contact the appropriate law enforcement agency that would retain jurisdiction for investigative purposes.

1. Recording all relevant information is essential for further investigation to include criminal acts that may have been committed illegally using another person's identity as covered by state and federal laws. Reports should be classified as Identity Theft if they involve any of the following:

   a) Credit card charges, debit cards, ATM cards
   b) Credit card checks written against their account
   c) Credit card accounts opened or account addresses changed
   d) Establishment of a line of credit at a business or obtaining a loan at a financial institution
   e) Goods or services purchased in the victim's name
   f) Computer/Internet related frauds

2. Document the nature of the fraud and other crimes committed in the victim's name. If the elements of the crime exist, reports should also list secondary crime incident offenses such as Financial Transaction Card Theft, Financial Transaction Card Fraud, Forgery/Uttering or Obtaining Property by False Pretense.
3. Obtain and verify as appropriate the identifying information of the victim to include:

   a) Date of birth

b) Social security number (if the victim is willing to provide, this is a mandatory field for Identity Theft File DCI entry)
c) Driver's license number
d) Other photo identification (if available)
e) Current and most recent prior addresses
f) Telephone numbers
g) Race, sex and ethnicity

4. Determine what types of personal identifying information may have been used to commit the reported crimes to include, bank account numbers, loan numbers, credit card account numbers and those other identifiers as indicated in N.C.G.S. 14-113.20.
5. Determine if the personal identifying information may have been lost, stolen, or potentially misappropriated. If any documents belonging to the victim were used to facilitate the crime, describe how the victim's personal information was obtained and how the crime was committed.
6. Document any information concerning where the crime took place, the financial institutions and/or related businesses/companies involved, and the residence 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 a specific person or persons have used his or her identity to commit fraud or other crimes.
9. Determine if the victim is willing to assist in prosecution of the persons identified in the crime.
10. Determine if the victim has filed a report of the crime with other law enforcement agencies. Request the victim to provide a copy of the report(s) filed with other law enforcement agencies.
11. Request the victim to provide copies of affidavits, checks (front and back copies), bank account statements, credit card account statements, and any and all documentation pertinent to the report being filed.12. After reports have been forwarded through the appropriate chain of command and entered by CRU clerks, reports will be forwarded to the Fraud Unit Supervisor for review and determination of case status and assignment.

Note: If the report appears to have national security implications, then notify intelligence and federal agencies immediately.

3.23.3 ASSISTING VICTIMS

Employees taking identity theft reports should take steps reasonably possible to assist the victim in resolving their problem. This includes providing the victims with the following suggestions if applicable:

1. Offer the option of entry into the Identity Theft Victim DCI file and explain the benefits and purpose of the file. CRU clerks will be responsible for the DCI entry but both Tele-Serve Clerks and officers will complete the Identity Theft Victim DCI Entry Form and have the victim sign the Identity Theft File Consent form.
2. Ask the victim to contact other law enforcement agencies to file a police report when it is determined that the crime occurred within their jurisdiction.
3. Contact the Federal Trade Commission (FTC) 1-877-IDTHEFT, which acts as the nation's clearinghouse for information related to identity theft crimes. Victims will receive assistance from trained counselors in resolving credit related problems. Provide the victim with a Take Charge: Fighting Back Against Identity Theft pamphlet.
4. Contact the three major credit-reporting bureaus: Equifax 1-800-525-6285, Experian 1-888-EXPERIAN, and Transunion 1-800-680-7289. Victims can request that a fraud alert be placed on their accounts and request copies of their credit reports to review.
5. Contact the Internet Crime Complaint Center (IC3) 1-800-251-3221 if the crime is computer/internet related.
6. Contact the Social Security Administration 1-800-269-0271.
7. If bank accounts are involved, report the loss to each financial institution. Victims should request existing accounts be cancelled/closed and have new accounts opened. If necessary, place stop payments on outstanding checks and contact creditors to explain.

8. If a driver's license is involved, the victim should contact the North Carolina Division of Motor Vehicles or the motor vehicle department of the state where the victim was issued his or her license.
9. To contact other law enforcement agencies such as the Federal Bureau of Investigation (FBI), the State Bureau of Investigation (SBI), United States Secret Service (USSS), the United States Postal Inspectors or any other agencies as deemed necessary to assist the victim.
10. To change the locks on residences and vehicles if there is any indication that these have been copied or otherwise compromised.

** The Fraud Unit will maintain a current list of referral agencies and their services. These lists will be provided to the supervisors, Teleserve and the Front Desk.

3.23.4 INVESTIGATIONS

Fraud Unit Supervisor will review the crime reports and conduct any follow-up inquires of the victims or others as appropriate for clarification and expansion of any information. Fraud Unit Supervisor will make a determination as to whether the report on file will be inactivated or assigned to a detective for further investigation. This determination is based on solvability factors, jurisdiction, and the most appropriate course of action based on the facts provided such as investigative action by another law enforcement agency and current Fraud Unit guidelines. Other actions include:

1. When a victim's case report will not be assigned to a detective, a case status letter will be mailed to the victim indicating the reason as well as suggestions to follow to address problems caused by identity theft.
2. May contact any and all federal law enforcement agencies for collaboration and avoidance of duplication of independent investigations, whereby, a joint investigation could be conducted.
3. May contact any state and/or local law enforcement agencies where the victim has filed an identity theft report or where there is an indication that the identity theft occurred.
4. May contact the FTC consumer sentinel law enforcement network and search the database for investigative leads

3.23.5 IDENTITY THEFT FILE

An Identity Theft File has been implemented by NCIC that allows any law enforcement agency to enter information of identity theft victims. Only the agency that takes the identity theft complaint (report) may make the NCIC identity theft entry. By entering victim information, law enforcement agencies are provided with information necessary to determine if an individual in question (such as on traffic stop) is the victim of identity theft or the actual offender.

1. The information can be beneficial in preventing a false arrest of the actual victim or in effecting the arrest of the suspect.
2. The Identity Theft File allows agencies with a documented case of identity theft to enter the personal identifying information of the victim along with a password for identity confirmation.
3. The Identity Theft Victim DCI entry form must be completed as thoroughly as possible, with all mandatory data fields completed. The victim must sign the Identity Theft File Consent Form or the entry cannot be made. A copy of the waiver form should be given to the victim and the original turned into CRU along with the report and DCI entry form.
4. Documentation for the identity theft complaint must meet the following criteria before an entry can be made into the identity theft file:

    a) Someone is using a means of identification of the victim (denoted in the Identity Theft and Assumption Deterrence Act of 1998 as any name or number that may be used alone or in conjunction with any other information, to identify a specific individual).
    b) The identity of the victim is being used without the victim's permission.
    c) The victim's identity is being used or intended use is to commit an unlawful activity.
    d) The victim must sign a consent waiver prior to the information being entered into the Identity Theft File.

3.23.6 COMMUNITY AWARENESS

A. All employees are responsible for the prevention of identity crimes. The Fraud Unit along with the Public Information Officer will provide press releases and coordination of other media resources to continue in their efforts of public education and awareness.

B. Crime Prevention Specialists will include identity theft as a crime prevention topic that needs to be addressed regularly at community meetings, in newsletters, other public speaking forums and by using handouts and brochures. The Fraud Unit will conduct public education/information forums (upon request) on identity theft, in addition, to current fraudulent scams.

By Order Of: Harold E. Medlock
Digitally Signed

3.24.0 OBJECTIVE

To establish procedures for the use, maintenance, review, and control of Body Worn Cameras (BWC) and In-Car Camera system by members of the Fayetteville Police Department (FPD), which are used as a safeguard for employees against false claims of misconduct, while ensuring that all personnel are performing their duties to the highest standards of professional integrity. This operating procedure does not apply to the use of hand held camcorders or audio/video surveillance devices.

3.24.1 DEFINITIONS

Body Worn Camera (BWC) – An operational video or digital camera or other electronic device, including a microphone or other mechanism for allowing audio capture, affixed to the uniform or person of law enforcement agency personnel and positioned in a way that allows the camera or device to capture interactions the law enforcement agency personnel has with others.

Fleet In-Car Camera (Dashboard Camera) – A device or system installed or used in a law enforcement agency vehicle that electronically records images or audio depicting interaction with others by law enforcement agency personnel. This term does not include body-worn cameras.

3.24.2 OFFICER RESPONSIBILITIES

A. All uniformed officers assigned a BWC, and who are engaged in law-enforcement related activities, will have the BWC affixed to the individual in accordance with the manufacturer's recommended method and departmental training. Additionally, all plain clothed detectives who are assigned a BWC, when participating in high-risk situations and/or whenever the detective feels there is a need for BWC footage, will have the camera affixed to their person in accordance with the manufacturer's recommended method and departmental training. The officer/detective will take into consideration different body sizes and gender as to placement of the BWC. It is the responsibility of the officer to ensure the BWC is activated, operating, and positioned to record the events specified in this operating procedure.

B. All FPD Officers/ Detectives assigned as a Task Force Officer will follow this policy unless they are part of an operation being directed by the respective federal or state agency under which they are credentialed. In those situations, they will adhere to that specific agency's BWC policy. In the absence of a BWC policy from that agency the TFO will follow this policy.

C. Detectives working in an undercover capacity are exempt from this policy.

D. When feasible, officers should inform individuals they are being audio and video recorded if the notification could potentially prevent aggressive, uncooperative or adverse behavior.

E. Prior to the beginning of each shift, the assigned officer shall perform an inspection to ensure the BWC and the In-Car Camera is functional. Each officer shall ensure the BWC's battery is fully charged when reporting for their tour of duty. This includes the officer working in an off-duty, overtime and extra duty capacity. If any malfunctions or damages are found, the officer will immediately notify their supervisor.

F. Officers must make sure that the In-Car Camera is properly positioned and adjusted at the correct viewing angle to visibly record any events.

G. Before beginning their shift, Officers will log in to Fleet Dashboard for the In-Car Camera System to ensure that videos are correctly assigned to that officer.

H. Prior to the end of each work week, officers will categorize each recording in accordance with section 3.24.10 of this policy, along with a description of the video and the OCA or CAD number with no dashes. Appropriately categorized video will then be uploaded and stored within the FPD on-line evidence storage account at https://fayettevillepdnc.evidence.com. Officers have the authority to review any footage that he/she has recorded.

I. If there is any type of major incident that occurs during a shift, then it is mandatory for the officers to upload their BWCs prior to the end of that duty day. Examples of major incidents are but are not limited to: all Uses of Force, fatalities, or violent felony offenses.

J. BWC's/In-Car Cameras are set to ensure accuracy and accountability for use in court, when making statements, and when completing investigative reports. Officers should continually check to ensure the date and time function of the BWC/In-Car Camera is accurate. If the date/time stamps are not in sync with current date and time, officers are to notify their supervisor immediately and remove the BWC/In-Car Camera from service. The BWC/In-Car Camera will then be turned over to the Technical Services Division Video Recording Specialist to ensure proper repairs/adjustments are made by the appropriate manufacturer.

K. Routine maintenance and care of the BWC is the responsibility of the individual officer. Officers will ensure the BWC is clean and in proper working order and any operational issues are reported to the officer's immediate supervisor and the Technical Services Division Video Recording Specialist.

L. Any officer who intentionally disables any part of the video recording or transmitting equipment, or who fails to activate the system as required by this operating procedure, will be subject to administrative disciplinary actions. If the failure to activate or stopping the recording is deemed intentional by the officer, a criminal investigation may become necessary.

M. When not on duty, the BWC shall be stored in a safe location and away from exposure to direct sunlight, moisture or excessive heat.

N. The BWC/In-Car Camera will not be worn during a K-9 search for explosives. The radio communications from the BWC can potentially activate the explosive.

O. Any officers working on Patrol or in any Patrol capacity shall keep their BWC powered on and in standby mode for the duration of their shift unless they are actively recording, then they will finish their recording and return the BWC to standby mode. If the BWC's battery is not lasting the officer's entire shift, then they should utilize the camera's charger. If the BWC's battery is lasting drastically less than their entire shift, then the officer should notify their supervisor.

3.24.3 CIVILIAN TRAFFIC INVESTIGATORS (CTI) RESPONISBILITY

A. All CTI assigned a BWC, and who are engaged in any traffic related activities, will have the BWC affixed to the individual in accordance with the manufacturer's recommended method and departmental training. The CTI will take into consideration different body sizes and gender as to placement of the BWC. It is the responsibility of the CTI to ensure the BWC is activated, operating, and positioned to record the events specified in this operating procedure.

B. When feasible, the CTI should inform individuals they are being audio and video recorded if the notification could potentially prevent aggressive, uncooperative or adverse behavior.

C. Prior to the beginning of each shift, the assigned CTI shall perform an inspection to ensure the BWC and the In-Car Camera is functional. Each CTI shall ensure the BWC's battery is fully charged when reporting for their tour of duty. This includes the CTI working in an off-duty, overtime and extra duty capacity. If any malfunctions or damages are found, the CTI will immediately notify their supervisor.

D. The CTI must make sure that the In-Car Camera is properly positioned and adjusted at the correct viewing angle to visibly record any events.

E. Before beginning their shift, the CTI will log in to Fleet Dashboard for the In-Car Camera System to ensure that videos are correctly assigned to that CTI.

F. Prior to the end of each work week, the CTI will categorize each recording in accordance with section 3.24.11 of this policy, along with a description of the video and the OCA or CAD number with no dashes. Appropriately categorized video will then be uploaded and stored within the FPD on-line evidence storage account at https://fayettevillepdnc.evidence.com. The CTI has the authority to review any footage that he/she has recorded.

G. If there is any type of major incident that occurs during a shift, then it is mandatory for the CTI to upload their BWCs prior to the end of that duty day. Examples of major incidents are but are not limited to: all fatalities.

H. BWC's/In-Car Cameras are set to ensure accuracy and accountability for use in court when making statements, and when completing investigative reports. The CTI should continually check to ensure the date and time function of the BWC/In-Car Camera is accurate. If the date/time stamps are not in sync with current date and time, the CTI will notify their supervisor immediately and remove the BWC/In-Car Camera from service. The BWC/In-Car Camera will then be turned over to the Technical Services Division Video Recording Specialist to ensure proper repairs/adjustments are made by the appropriate manufacturer.

I. Routine maintenance and care of the BWC is the responsibility of the individual CTI. The CTI will ensure the BWC is clean and in proper working order and any operational issues are reported to the officer's immediate supervisor and the Technical Services Division Video Recording Specialist.

J. Any CTI who intentionally disables any part of the video recording or transmitting equipment, or who fails to activate the system as required by this operating procedure, will be subject to administrative disciplinary actions. If the failure to activate or stopping the recording is deemed intentional by the CTI, a criminal investigation may become necessary.

K. When not on duty, the BWC shall be stored in a safe location and away from exposure to direct sunlight, moisture or excessive heat.

L. Any CTI working their assigned shift shall keep their BWC powered on and in standby mode for the duration of their shift unless they are actively recording, then they will finish their recording and return the BWC to standby mode. If the BWC's battery does not last entire shift, then they should utilize the camera's charger. If the BWC's battery is lasting drastically less than their entire shift, then the CTI should notify their supervisor.

3.24.4 Supervisor Responsibility

A. Supervisors will, prior to the beginning of the officers scheduled shift and in accordance with FPD Training, Operating Procedures and manufacturer guidelines, ensure that all officers assigned a BWC are equipped and properly wearing their BWC.

B. Ensure all officers follow established procedures for the operation and maintenance of the BWC/In-Car Camera, the handling of all video/audio recordings, and the completion of all necessary documentation.

C. Supervisors are responsible for conducting monthly BWC/In-Car Camera video reviews in Axon Performance of all officers under their supervision to ensure FPD employees' behavior and performances are in compliance with established policy and procedures. This review should consist of a minimum of two videos per officer per month. However, video files are available for review by supervisory staff at all times.

D. Ensure any video associated with any citizen complaint or internal investigation is properly categorized by the end of the officer's shift as "Internal Affairs."

E. While reviewing BWC footage, supervisors will monitor the actions of their officers and identify the need for additional training. When requesting additional training through the FPD Training & Professional Development Unit, supervisors will provide training staff access to the BWC video in order to facilitate officer specific training.

3.24.5 BWC GENERAL OPERATIONS

A. All contacts and activities other than those noted as mandatory are considered optional and may be recorded at the discretion of the individual officer and all recordings should continue without interruption until the contact ends, if feasible.

B. Officers should activate the BWC at the first reasonable opportunity, unless an immediate threat to the officer's life or safety makes activating the BWC impossible or dangerous, in which case the officer should activate the BWC as soon as possible. Additional arriving officers equipped with a BWC should activate their cameras upon arrival to an incident requiring a recording.

C. Unless present in an official police capacity, the BWC should not be used in bathrooms, locker rooms, or other places where there is an expectation of privacy.

D. The BWC should not be used to specifically document crime scenes or in custody interviews and interrogations. However, any video recorded on the initial entry into a dwelling, or any video that could potentially involve a criminal investigation should be retained as part of the investigative file and in accordance with the retention schedule set forth in this policy. Officers/detectives may still deactivate their BWC once the scene is declared safe, but all video should be considered part of the investigative file. Any video captured for the purposes of providing detailed crime scene evidence should be done so with a handheld video camera and retained in accordance with evidence retention policies. The BWC should not be used when interacting with known confidential informants or undercover officers.

E. In most circumstances, officers assigned to the Civil Emergency Unit (CEU) should not utilize their BWC to record civil disturbances while in a CEU capacity. CEU operations will be recorded by a designated member of the CEU with an external handheld type of video recorder and according to CEU policy and procedures.

F. The BWC will be turned off when entering any police building or substation. The BWC may be activated within police buildings or substations if the officer is involved in any potential adversarial situation involving the public or suspects that are in police custody. After the incident is over the BWC should be turned off.

G. If a BWC becomes disabled, lost or otherwise not functioning, the officer will utilize the In-Car video system to record incidents listed in 3.24.7 "Actions requiring mandatory recording" until the BWC camera is repaired.

H. To aid in the protection of the right to privacy, officers **shall not** record while:

1. In a patient care area of a health care facility unless the officer is making contact with a victim, witness, offender, or hostile/argumentative person.
2. Discussing a case with other officers or supervisors;
3. Conducting tactical planning;
4. In the magistrate's office or any state or federal court facility, unless an adversarial type of disturbance occurs requiring the officer wearing the BWC to take police action;
5. Having discussions with attorneys, peer support counselors, doctors, etc.;
6. Involved in a department, supervisory or public meeting;
7. In a classroom and/or in a testing environment.

3.24.6 IN-CAR CAMERA GENERAL OPERATIONS

A. The Axon Fleet In-Car Camera used by the FPD is installed and designed to activate automatically when the patrol car's emergency lights and/or siren are in operation. The In-Car Camera System may be activated:

1. By activating the overhead lights and/or siren
2. By manually pushing the record button on the In-Car Camera or on the officer's laptop computer
3. By a predetermined GPS speed of 80 MPH
4. Taser 7 activation signal (front camera only)

B. The In-Car Camera must remain activated throughout the entire vehicle stop or other enforcement action.

C. Officers will activate the rear camera when transporting any person from one point to another.

D. The In-Car Camera System may be manually deactivated during non-enforcement activities such as directing traffic, providing traffic control for a vehicle collision, etc.

3.24.7 ACTIONS REQUIRING MANDATORY RECORDING

A. The intent of the BWC is to document the interaction between officers and the public. The public perception is that the police department is capturing all encounters when dealing with citizens. In an effort to document all interactions officers should activate their BWC's in ALL dispatched or self-dispatched calls. In regard to off duty assignments, officers are not required to continuously record but the camera should be in standby mode and be activated when taking police action. This operating procedure is not intended to describe every possible situation in which the BWC should be used; Officers **shall** activate the BWC during the following circumstances, unless overwhelmingly extenuating circumstances prevent the activation of a BWC:

1. Traffic stops;
2. Priority responses and/or responses requiring blue lights and siren;
3. Vehicle pursuits;
4. Suspicious persons/vehicle contacts;
5. Arrests, detainments or protective frisks (persons and vehicles);

   NOTE: During an arrest, officers may only deactivate their BWC after the individual is placed into a patrol vehicle where the in-car camera has been activated.

6. Warrantless searches of individuals, buildings, vehicles (including K-9 sniffs) and other places;
7. Physical or verbal confrontations;
8. Domestic violence calls;
9. DWI investigations;
10. Foot pursuits;
11. Advising an individual of their Miranda warnings while not in an FPD interview room;
12. Crimes in progress;
13. Contact with distraught, disorderly, aggressive, argumentative, emotionally disturbed persons or angry persons;
14. Planned and deliberate ERT Operations, situations which become dynamic in nature and/or at the direction of the Chief of Police, ERT Commanders or ERT Supervisors;
15. During search warrant executions when the structure or area has not previously been rendered safe and secure;
16. Any other situation which could result in potential adversarial conditions or liability for the officer, FPD or City of Fayetteville.
17. Any dispatched or self-dispatched police call.

B. Officers or their supervisors will remain vigilant in identifying situations which could result in complaints against the officer, agency and City of Fayetteville. To avoid liability and to allow for quick resolution during allegations and/or complaints, officers engaged in the following situations will automatically activate their in-car cameras and record the encounters. The In-Car Camera shall be activated in the following situations:

1. Traffic Stops;
2. Priority responses and/or responses requiring blue lights and siren;
3. Vehicle pursuits;
4. DWI investigations;
5. Prisoner or civilian transports.

C. If there is any doubt in the officer's mind whether a situation should be recorded, the officer should opt to record the event.

3.24.8 DOCUMENTATION

A. Personnel shall document in their incident reports, supplemental reports, citations, affidavits and field interviews that a BWC/In-Car Camera was utilized.

B. It is the responsibility of the member downloading a video file to identify any digital file associated with an investigation.

3.24.9 RESTRICTIONS

A. At no time will any employee utilize a BWC/In-Car Camera for the purposes of recording personal activities while the employee is on or off-duty.

B. The BWC/In-Car Camera will not be utilized for anything other than official FPD business, unless permission has been obtained from the Chief of Police or his/her designee.

C. FPD personnel shall not record the personal conversations of, or between, other FPD members without each individual's knowledge or consent.

D. FPD personnel are prohibited from using personal recording devices.

E. Any officer who intentionally disables or damages any part of the video recording or transmitting equipment or fails to activate the system as required by this policy will be held accountable and subject to criminal and/or internal disciplinary action.

3.24.10 DUPLICATION AND DISTURIBUTION OF RECORDINGS

A. The BWC/In-Car Cameras and all video files are the property of the FPD and will only be used for law enforcement purposes in accordance with applicable law and departmental policy. Employees/Officers are **prohibited** from using any device to copy, photograph or record the playback of any video/audio data by a BWC other than for official police purposes.

B. All employees are **prohibited** from disseminating or performing any type of playback to non-FPD employees, unless the employee performing the dissemination or playback has received authorization from the Chief of Police or FPD Police Attorney and in accordance with all applicable laws and departmental policy.

C. Recordings that are NOT classified as public record pursuant to North Carolina State Law will only be given to attorneys upon the presentation of a valid court order issued by a court with appropriate jurisdiction. Only those portions of the recording relevant to the incident will be furnished.

D. Any requests for a recording by an outside law enforcement agency will be made to the Office of Professional Standards and/or Police Attorney's Office, and must be on the requesting agencies departmental letterhead.

E. Any portion of a recording that may be used to subject an employee to administrative 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 unless otherwise required to be disclosed as evidence in a criminal proceeding.

F. The District Attorney's (DA) Office will submit a request for BWC/In-Car Camera video through the DA Liaison Officer, or his/her designee, in the same manner as other evidence requests are submitted.

G. All public defenders and private attorneys will submit a request through the Cumberland County District Attorney's Office, which will in turn disseminate the video evidence to the public/private attorney at their discretion and in accordance with all established laws and procedures.

H. Any FPD employee receiving a subpoena or court order for copies of BWC/In-Car Camera data shall contact the FPD Police Attorney's Office and advise them of the order. No video will be released absent a court order unless otherwise directed by the Chief of Police, or his/her designee.

I. Officers may review their own BWC and/or In-Car Camera recordings prior to completing any reports, providing statements during administrative or criminal investigations, unless otherwise directed by the Chief of Police, Office of Professional Standards, or the assigned investigative authority. The review of footage must be documented in the investigative file. Officers shall acknowledge whether video was reviewed prior to making their statement. Officers will make a note in the "Note" section of the recording the reason for which they are reviewing the video.

J. Officers may request to review BWC or In-Car Camera recordings captured by another officer if it is necessary for official duties such as preparing a joint report, participating in a shared investigation, or testifying in court. Access must be granted by a supervisor and will be logged in the system. Unauthorized access or review of another officer's recordings is strictly prohibited. Officers/Detectives will make a note in the "Note" section of the recording the reason for which they are reviewing the video.

K. When a supervisor reviews any recording for an administrative investigation the supervisor will annotate in the notes section the following, "Reviewed for administrative investigation/purposes".

L. All public record requests shall be referred to the Office of Professional Standards and/or Police Attorney's Office for action. A legal review of the public record request will be reviewed to determine if the release of information/video would be a violation of N.C.G.S. 160A-168, as outlined above. Once a determination has been made, the Police Attorney's Office, or the City Attorney's Office will respond to the requestor. Refer to Operating Procedure OP 1.13 Public Access to Law Enforcement Recordings for further guidance.

3.24.11 STORAGE AND RETENTION SCHEUDLE

A. Digital recordings will be maintained and stored on the FPD's on-line storage account (https://fayettevillepdnc.evidence.com) for the designated time, based on activation classification. Digital recordings of the following types of incidents/scenes will be classified by the officer utilizing the table below with the most appropriate classification titles:

Category	Retention Schedule
Test/Accidental	180 Days
Field Contact	365 Days (1 Year)
Traffic Accident	5 Years
Misdemeanor	10 Years

Felony	50 Years
Traffic Stop – Felony/Misdemeanor	50 Years
Traffic Stop – Infraction/Warning	10 Years
DWI	10 Years
Homicide/Sex Assault	Forever
Cyber Crimes (for Cyber Only)	50 Years
Internal Affairs	60 Years
Officer Involved	60 Years
USMS TFO	30 Days

1. Field Contacts: Field contacts are considered but not limited to:

    a. Interactions with a citizen that does not result in a criminal charge
    b. Traffic Control for disabled motorist
    c. Alarm Calls (no burglary occurred)

2. Internal Affairs: All video associated with an internal investigation should be categorized as such.

B. All recorded videos will use the OCA (with no dashes) for the ID block. If an OCA is not available, the CAD number (with no dashes) for the event will be used in place of the OCA. The Title block will use the address for the event or a brief description (i.e. Suspect Interview 1, Initial Stop, etc.) of the recorded event.

3.24.12 TRAINING

All officers and supervisors will receive training on the use and storage of body worn cameras prior to an officer using and/or deploying a body worn camera. Training will also be provided to officers on the In-Car Camera system prior to them being issued a vehicle. The Technical Services Division Video Recording Specialist will be responsible for providing training for all department personnel. An instructional PowerPoint will also be available on PowerDMS for remedial training. The Technical Services Division Video Recording Specialist will also be responsible for reviewing and updating the BWC program as needed.

3.24.13 PROGRAM REVIEW

A. The Technical Services Division Video Recording Specialist will conduct an annual administrative review of the Body Worn Camera and In-Car Camera program. This review will include, but is not limited to:

1. Compliance and usage rates by personnel;
2. Video categorization accuracy;
3. Retention and storage audit results;
4. Functionality reports of equipment;
5. Supervisor review frequency and findings;
6. Trends in policy violations, complaints, or commendations;
7. Recommendations for training or policy improvement.

B. The results of the administrative review will be documented in a formal report and submitted to the Chief of Police for review. The review shall be retained and used to support policy updates, training development, and to ensure the program aligns with the department's mission, values, and goals.

3.24.14 REFERENCES

OP 1.13	Public Access to Law Enforcement Recordings
OP 6.1	Crime Scene Processing Responsibilities and Submitting Evidence for Examination
WD 3.1	Office of Professional Standards
N.C.G.S. 132-1.4A	Law Enforcement Agency Recordings
N.C.G.S. 160A-168	Privacy of Employee Personnel Records

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

3.25.0 OBJECTIVE

The mission of the Crime Information Center (CIC) is to strive to provide accurate, timely, and relevant information to members of the Fayetteville Police Department and surrounding agencies to meet the tactical, strategic, intelligence, and administrative needs of personnel. The CIC will research, collect, analyze and disseminate information to support decision-making through short-term and long-term analysis in support of crime reduction, prevention, community education and safety.

3.25.1 DEFINITIONS

A. Automatic License Plate Reader System (ALPR) – An ALPR system consists of cameras connected to a computer processing unit that converts images of license plates into computer-readable data. These cameras can be affixed at a stationary location, mounted to a patrol vehicle, or utilized by handheld device with required software. The license plate data is compared against a database of license plates including but not limited to – stolen vehicles and plates, wanted and missing persons, and other databases designed to enforce laws or further criminal investigations. The images and associated data, such as date, time, and GPS coordinates, are then stored in accordance with laws and departmental policy.

B. Crime Trend Analysis - The analytical process by which live or stored electronic public safety technology data is used, whether alone or in conjunction with other sources of information to detect crime patterns by studying and linking common elements of recurring crimes; to predict when and where future crimes may occur; and to link specific vehicles to potential criminal or terrorist activity.

C. Crime Alerts – A self-initiated report that documents a crime problem and/or suspects

D. Electronic Public Safety Technology - Any electronic technology such as but not limited to, public security camera systems, automated license plate readers, and firearm discharge locaters that allow officers to view/capture and retain public data about a person, or a person's effects, or acts related to public safety behavior. For purposes of this directive public safety technology does not include GPS tracking devices or other public safety technologies that requires a court order. It also does not include any criminal record system or computer aided dispatch process or devices used by crime scene investigations.

E. Legitimate Law Enforcement Objective - A legitimate law enforcement objective consists of the following; the prevention, detection and investigation of criminal behavior, the gathering of evidence to assist in the apprehension and prosecution of criminals, the identification of potential acts of civil disobedience designed to unlawfully disrupt the legitimate and lawful activities conducted within the city limits of Fayetteville, N.C, the identification of governmental resources necessary to staff a First Amendment Activity sufficient to protect persons and property.

F. Operational Support Products - Any report generated in response to an operational unit request for case or suspect information or special project requests.

G. Privacy interest - A place, whether real or virtual, where a person has exhibited an actual expectation of privacy and that expectation is one that society is prepared to recognize as reasonable.

H. Reasonable Suspicion - A police officer has reasonable suspicion when the officer observes unusual conduct or receives reliable information which leads the officer to reasonably conclude in light of the officer's experience that a person has committed or is about to commit a crime. The reasonable suspicion standard is lower than the standard of probable cause; however, a mere hunch is insufficient as a basis for reasonable suspicion. A suspicion that is based upon the race, ethnicity, religion, national origin, lawful political affiliation or activity, or lawful news gathering activity of an individual group cannot be used to form reasonable suspicion.

I. Public Security Camera Systems - Digital and or analogue devices that capture and retain video images.

J. Crime Information Center Supervisor – The Crime Analyst assigned to manage the day-to-day operations of the Crime Information Center including Crime Analyst personnel and camera operators

3.25.2 ASSIGNMENT AND FUNCTION

A. The Crime Information Center (CIC) function is assigned to the Chief's Staff Unit.

B. The Crime Analysis function will assist operational and administrative personnel in planning and deployment of resources for prevention and suppression of criminal activities, aiding in the investigative process and increasing apprehensions and case clearances.

3.25.3 RESPONSIBILITY

The responsibility of the CIC is to perform the following functions:

1. Collect specific crime-related information relating to crime problems.
2. Develop a system of data retrieval (automated or hard copy) of information for use in the analysis process.
3. Collection of specific crime-related incidents with other crime-related information.
4. Analyze crime data in a logical manner to establish probabilities of future events based on prior criminal incidents.
5. Conduct briefings and submit reports to be used in tactical, strategic or administrative crime analysis.
6. Maintain a system for feedback analysis and evaluation of Crime Analysis Services and programs.
7. Provide analytical data for the development of Problem Oriented and Community Policing Strategies.
8. Facilitate weekly CompStat meetings.
9. Brief the Chief of Police or his designee on a needed basis of pertinent criminal activity.
10. Give briefings concerning all special analysis projects.
11. Generate reports and products including, but not limited to, crime alerts and operational support products.
12. Develop analytical products such as time event charts, association matric link analysis diagrams and information spreadsheet.
13. Will assist in maintain data bases associated with the analytical process to assist in monitoring of current crime trends.
14. Monitor Fayetteville Police Department closed circuit security cameras.

3.25.4 ON-CALL PROCEDURES

The purpose of this section is to provide procedures for Fayetteville Police Department (here in referred to as Department) employees assigned to the Crime Information Center (CIC) regarding On-Call status. The On-Call status requires the employee to maintain their availability after hours and/or during days off to perform necessary departmental functions. The on-call employee may be required to return to the work center or other designated location(s) and/or otherwise be available to respond to requests for support from the CIC.

A. Definitions

1. **On-Call -** Defined as the period of time, normally outside of core operating hours, when an employee's job assignment requires that they respond to requests for actions (either remotely, at the work center, or other designated location) in order to provide professional services as required.
2. **Core Operating Hours –** Monday through Friday from 8:00 am to 5:00 pm
3. **Call-Back –** When an employee is called back to work to perform a task of professional services either in person or remotely via phone or computer.

B. Identification and Notification

The Department has identified that the positions within the CIC are subject to on-call as a requirement and/or condition of employment to address Departmental needs as they may arise. The employee's job description reflects the On-Call responsibility. The CIC Supervisor will publish and maintain the on-call roster following an equitable rotation plan.

C. On-Call

The CIC supervisor is responsible for providing CIC employees who are required to be on-call with a schedule of the time and date that the employee must be on-call. In addition, the following rules apply:

1. While on-call, unless otherwise advised, the employee is not required to remain on the City's premises. However, the employee must be available by telephone or text message while off site and respond to any message(s) received within fifteen (15) minutes.
2. On-Call employees will take their Department issued laptops home with them as to reduce the need for that employee to return to the work center for functions that can be performed remotely.
3. On-Call employees will keep their Department issued cell phones charged and with them at all times while they are in an On-Call status.
4. While the employee is not required to restrict his or her activities while on-call, they must remain free of the influence of alcohol or drugs. In addition, the employee should not take any prescription medication that adversely affects their ability to safely and effectively perform their job duties. If an employee has a medical condition and has concerns about complying with this requirement, the employee will consult with the CIC Supervisor and Human Resources Department to resolve prior to their prescribed on-call period.
5. If the employee has a conflict and is unable to be on-call during their assigned time, it is the employee's responsibility to immediately notify the CIC Supervisor to allow maximum time to identify a replacement to cover the on-call period.
6. On-Call employees who fail to respond when contacted and/or who fail to provide adequate notification of emergency and/or medical conditions preventing the ability to perform on-call functions, are subject to disciplinary action.

3.25.5 INFORMATION REQUESTS

A. The CIC will prioritize and respond to each request for information in a timely manner. Requests are usually submitted by completing a Request for Information (RFI) and submitting to the CIC Staff via walk-in visits, telephone calls or email.

B. The following guidelines will be followed in authorizing crime analysis requests.

1. Law Enforcement Officers will be authorized access to approved crime analysis information. All requests from outside agencies must be approved by the Chief of Police or his designee.
2. City and other public employees may have access to information obtained through crime analysis that is necessary to perform services with prior approval of the Chief of Police or his designee.
3. Private groups such as Community Watch Groups, church groups, civic organizations, etc. may request crime data via the Crime Prevention Specialists to include general crime information, which may aid them in their efforts to report or prevent crime. Crime Prevention personnel are responsible for disseminating information to Community Watch Groups.
4. Military personnel with law enforcement responsibilities may receive Crime Analysis information upon approval of the Chief of Police or his designee.
5. All requesting parties will be directed to review information available on the Fayetteville Police Department Open Data Portal when applicable. CIC will continue to monitor requests to ensure the need for updating the Open Data Portal future data sets. Data.fayettevillenc.gov.

3.25.6 CRIME ANALYSIS COMPUTER AUTOMATED SYSTEM

The CIC will establish and maintain a crime analysis computer automated system to develop analytical products, aid in the identification and analysis of crime patterns and trends and assist with the report writing process.

3.25.7 SOURCES OF INFORMATION

A. The primary source document for all crime information is the Incident Report. The CIC Staff will review incident reports of the selected offenses on a daily basis. Additional information accessible to the Crime Analyst includes, but is not limited to:

1. DCI information
2. Records Management System
3. All software purchased, created and managed by the Fayetteville Police Department

3.25.8 PRODUCT DISSEMINATION AND EVALUATION

A. CIC information will be used to develop general crime suppression strategies and in analyzing manpower and resource needs for a multi-year period.

B. The CIC staff will summarize and disseminate information when a crime pattern is detected. The information will be disseminated in the form of a crime alert bulletin, email advisory or PowerPoint slides to the appropriate Division/Unit and/or outside law enforcement agencies depending on the nature of the report.

3.25.9 ELECTRONIC PUBLIC SAFETY TECHNOLOGY

A. Electronic Public Safety Technology provides Fayetteville Police Department (FPD) with an invaluable tool to increase the public's safety by deterring criminal activity, readily identifying criminal activity and facilitating the arrest and prosecution of criminal offenders. As such, FPD will continue to research and implement electronic public safety technology as part of its anti-crime reduction strategy to:

1. Enhance public safety and security in public areas, while reducing the public's fear of crime;
2. Reduce the cost and impact of criminal activity to specific communities;
3. Prevent, deter, and identify criminal activity;
4. Quickly identify suspects and gather direct evidence for their lawful arrest and prosecution;
5. Target violent criminal behavior and narcotics activity and property crimes occurring in a public right of way or areas open to the public;
6. Conduct limited observation of pre-scheduled and simultaneous events for the purpose of preventing disturbances, locating lost children and efficiently managing public resources;
7. Respond to major critical incidents;
8. Observe and document officers' interactions with the public to safeguard the rights of the public and to protect the city against unwarranted claims and complaints.

B. The use of public safety technology will be conducted in a professional and ethical manner and within the core principles found within the constitution and federal and state statutes. FPD recognizes its use and retention of electronic technology for a legitimate law enforcement objective must be conducted in a manner that at a minimum takes into consideration the following:

1. An individual's legitimate privacy concerns;
2. An individual's or group's legitimate desire to remain anonymous in a public place particularly when conducting political activity or participating in protected speech;
3. An individual's or group's right to lawfully express themselves through speech and other expressive behavior without undue interference from law enforcement officers.

4. An individual's or group's right to associate with other persons without undue interference from law enforcement officers.

3.25.10 ELECTRONIC PUBLIC SAFETY TECHNOLOGY

A. Electronic surveillance devices and systems will only be used in furtherance of a legitimate law enforcement objective.

B. The Crime Analyst Supervisor in conjunction with the Police Attorney for the FPD is responsible for the annual review of this policy and for making recommendations to the Chief of Police for any revisions.

C. No person will operate any Electronic Public Safety Technology unless they have been properly trained in its use. The training will address current legal and ethical issues related to the use of Electronic Public Safety Technology as well as the technical and mechanical operation of the device.

D. No person shall release any Electronic Public Safety Technology data except pursuant to this policy.

E. Sharing and analyzing Electronic Public Safety Technology data.

This policy does not prohibit an employee from obtaining and analyzing data from different Electronic Public Safety Technology devices for the purpose of investigating a specific crime or a specific crime trend. However, officers will not develop an individual profile of a person's movements and behaviors unless they have reasonable suspicion that a person(s) is involved in criminal activity and the behavior monitored is related to a crime or credible threat. In the event the suspicion is dispelled, the collection of data will cease. Any data collected unrelated to a criminal investigation will be destroyed.

F. Under no circumstances will officers develop a profile of an individual who has or is participating in a First Amendment Activity. Monitoring or recording of conversations without a court order is strictly prohibited. This policy does not prevent an individual law enforcement officer from recording a conversation to which they are a party or which has been approved by other authorized legal process and which is conducted as part of a criminal investigation or criminal intelligence operation.

G. Operation and use of security cameras

1. Video feed from electronic security cameras may be monitored in real time or unmonitored while recording. Video feed will not be retained beyond thirty days unless the data is necessary to fulfill a legitimate law enforcement objective.
2. Electronic security cameras will not be used to monitor areas or spaces where an individual or business has a privacy interest unless the investigating officer has either obtained a court order, a search warrant or there are exigent circumstances.
3. Camera control operators will not monitor individuals based solely on their race, gender, ethnicity, or disability unless such characteristics are part of a reliable description of a person suspected of identifiable and particularized criminal activity.
4. Camera operators will not continuously view and/or record persons becoming intimate in public areas, unless such displays are in violation of the law.
5. Any interception, duplication, transmission, or other diversion of video or any type of data for purposes other than what is permitted by this policy is prohibited and are grounds for discipline.
6. A consolidated historical log for all the cameras will be maintained documenting the date that it is installed, the location and placement of the camera and the date it is removed.
7. Access to security camera video data.

    a) Generally, a request to review recorded data must be made to the Crime Analyst Supervisor or his/her designee. The request must in writing and be related to a legitimate law enforcement objective. However, nothing in this section prohibits immediate access when

time is of the essence. For example, a violent crime has just occurred in an area where cameras are located.

8. Retention/hold of security camera video data.

    a) Security camera data will be maintained for 30 days unless the data is identified as relevant to a legitimate law enforcement objective, or upon request of the Chief of Police or his designee for purposes related to an administrative complaint or criminal investigation. All data that is required to be retained beyond 30 days will be transferred to an alternate form of electronic media storage and will fall under the retention guidelines of the North Carolina Retention Schedule.
    b) The investigating officer will review the data and determine if the security camera data has evidentiary value. If so, the data will be transferred to an alternate form of electronic media storage and given to the requesting officer. It is the requesting officer's responsibility to store the evidence received in accordance with Operating Procedure 6.02, Evidence and Property Management.
    c) The Crime Information Center Supervisor or designee will keep a log of the persons requesting access, the date and time of the request, and the reason for the request, the person making a copy and to whom the copy was delivered.

9. Installation of security cameras.

    a) Security cameras will not be installed on another entity's property unless the owner or its legal representative of the property to which the camera is to be installed has consented in writing to the installation of the security camera(s) or the installation is conducted pursuant to a court order or search warrant.
    b) The linkage of private security cameras to FPD's camera system will be done pursuant to a written agreement signed by both parties and approved by the Chief of Police and reviewed by the Police Attorney for the FPD.

10. Requests for security camera video data.

    a) Public requests for video data will be forwarded to the Public Information Office and a copy sent to the Police Attorney's Office.
    b) Electronic video data collected pursuant to these operating procedures shall be considered records of criminal investigations and records of criminal intelligence information conducted by a public law enforcement agency pursuant to NCGS 132-1.4(a) and are therefore <u>not public records and may only be released to the public by order of the court or pursuant to</u> NCGS 132-1.4.
    c) Subpoenas and other legal process for video data will be immediately forwarded to the Police Attorney's Office and a copy to Public Information Office. The person receiving the process will identify the date and time the process was received.
    d) Requests from other law enforcement agencies for video data shall be forwarded to the Crime Information Center and legal. If the request is related to an on-going criminal investigation, then the outside investigator will be permitted to view the video data. A copy of the video may be released upon completion of a mutual aid report and property hand receipt.

H. Operation and use of automatic license plate reader system (ALPR).

1. An automatic license plate reader system shall only be used in accordance with this policy. The Crime Information Center Supervisor will be responsible for agency administration of the program. Auditing reports for individual users can be requested from the CIC supervisor in writing by that individual's supervisor at any time to review usage.
2. The CIC Supervisor and the police officer assigned to the CIC as the camera operator are designated as the Agency Administrators of the program. They will serve as the point of contact for requests, reports, access, troubleshooting, training and audits.
3. The following databases will be used to compare the date obtained by the automatic license plate reader system: CJLEADS, DMV, TLO, CARFAX, Accurint, CLEAR, Records Management Systems (RMS), LinX, and Police2Police.

4. Requests for access shall be made in writing to the CIC Supervisor with a justification for the request. Justification includes but is not limited to: investigative research, intelligence information gathering, fugitive tracking, hot list alerts, and establishing a pattern of life for offender or victim on a specific case. Request for access to the system shall be granted only by the agency administrator(s).
5. Initial training for a new user will be conducted by the Agency Administrator(s) and/or a vendor representative. Continuous user training is available to every user in an online training portal.
6. ALPR systems may provide inaccurate read of a license plate's alphanumeric characters or state of origin. Additionally, the data which the license plate is compared against is not updated in real time. Therefore, when the ALPR system alerts on a license plate officers should follow these procedures:

   a) Do not use the alert as reasonable suspicion or probable cause.

   b) Do not take any enforcement action based solely on the ALPR alert.

   c) If the system alerts on a plate, an officer shall confirm the accuracy of the plate to ensure the characters and state of origin match the alert.

   d) After confirming the characters and state, an officer shall run the plate through DCI or other appropriate official database to confirm the accuracy of the alert.

   e) Before taking action, an officer should confirm the alert is one that requires action. For example, the system may alert on a sex offender record, but depending on the location of the vehicle, no action may be required.

   f) An officer may only take enforcement action once they have confirmed the status of the plate through DCI or other appropriate official database.

7. Retention of data from ALPR system.

   a) Captured plate data is confidential and not a public record as defined in N.C.G.S. § 132-1. Data shall not be disclosed except to a federal, state, or local law enforcement agency for a legitimate law enforcement or public safety purpose pursuant to a written request from the requesting agency made to the Chief of Police or his/her designee.
   b) Captured plate data shall not be sold for any purpose.
   c) Data from the system shall not be preserved for more than 90 (ninety) days after the date the data is captured unless a preservation request has been made in accordance with N.C.G.S. § 20-183.32(c) or pursuant to a state or federal search warrant.
   d) An officer who requires ALPR system data to be preserved beyond 90 days will complete preservation request form POL-774, ensure preserved ALPR data is stored in accordance with Operating Procedure 6.02 and Evidence and Property Management, and retain the completed form POL-774 within the officer's case file. Following a preservation request, preserved data must be destroyed no later than one year from the date of the preservation request. The year-long preservation period can be reset with the issuance of a refreshed preservation request.

8. Access to data obtained by automatic license plate reader systems that is not operated by a law enforcement agency.

   a) Users will only access the commercially available data for approved law enforcement purposes. Users shall annotate a reason/justification for the search and, when possible, a case number (OCA) shall be included. If there is no case number because it is an intelligence-based search a valid search reason shall be included. All searches are subject to audit.

9. Audits will be conducted at least annually by the agency administrator or upon request of the Chief of Police or his/her designee. Results shall be compiled by the agency administrator and provided to the Chief of Police for review of usage and effectiveness of the program.

3.25.11 REFERENCES

O.P. 6.02	General Property Management
NCGS 132-1.4	Criminal investigations; intelligence information records
NCGS 120-183.31	Regulation of use
NCGS 120-183.32	Preservation and disclosure of records

By Order Of: Gina V. Hawkins
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **3.26**
	Subject **NALOXONE POLICY**	**Effective Date** 2 August 2024
	Revised 3-23-15, 07-01-16	**Page** 1 of 3
	CALEA Standard 41.2.8	

3.26.0 OBJECTIVE

The purpose of this directive is to establish guidelines and procedures governing the utilization of the Naloxone administered by officers of the Fayetteville Police Department. The objective of administering Naloxone is to treat opioid overdoses and minimize overdoes caused by opioids.

3.26.1 POLICY

A. The Major of the Specialized Services Bureau will serve as the Naloxone Coordinator to administer the program. The Naloxone Coordinator's responsibilities include:

1. Ensuring that the Naloxone kits are current and not past their expiration dates.
2. Ensuring proper and efficient deployment of Naloxone for field use.
3. Ensuring that authorized officers are adequately trained in its use.
4. Ensuring that any use of Naloxone on a subject is documented in the Field Contact module of MFR/RMS.
5. Replacing Naloxone kits that are either damaged, unusable, expired, or had been used.
6. Informing the North Carolina Harm Reduction Coalition about the efficacy of Naloxone administration, including whether it resulted in saving a life or not.

B. Only officers trained in the use of Naloxone are authorized to administer Naloxone in the field. While on duty Naloxone kits will be available at all times. Naloxone kits will be kept out of the reach of children when stored in the officer's home when the officers are off duty.

C. Authorized officers shall utilize Naloxone on subjects believed to be suffering from an opioid overdose. Information that a subject is suffering from an opioid overdose includes, but is not limited to:

1. Blood-shot eyes,
2. Pinpoint pupils, even in a darkened room/area,
3. Depressed or slow respiratory rate,
4. Difficulty breathing (labored breathing, shallow breaths),
5. Blue skin, lips, or fingernails,
6. Decreased pulse rate,
7. Low blood pressure,
8. Loss or alertness (drowsiness),
9. Unresponsiveness,
10. Seizures,
11. Evidence of ingestion, inhalation, injection (needles, spoons, tourniquets, needle tracks, bloody nose, empty opioid pill bottles, etc.)
12. Past history of opioid use/abuse.

D. Officers shall follow the protocols outlined in their Naloxone training, which include:

1. Make contact with subject.
2. Perform a sternum rub to determine the level of responsiveness.
3. Notify dispatch of the patient's condition and the need for EMS.
4. Gather the necessary equipment.
5. Administer the Naloxone.
6. If patient is not breathing or has agitated breathing, do rescue breathing or CPR
7. Once patient is breathing again, put patient in rescue position (turn on left side)

8. Monitor the patient for medication effects, which may include opiate withdrawal symptoms and/or agitation. This should include the patient's assessment of his/her response to the treatment and reassessment of vital signs.
9. When the officer notices the subject returning to consciousness, the officer will notify subject that they used the overdose reversal medication on them and that they may feel pain/withdrawal symptoms and that it is normal.
10. Relay all information including history of the event and treatments given to EMS personnel.

E. When using the Naloxone kit, officers will maintain universal precautions against pathogens, perform patient assessment; determine unresponsiveness, absence of breathing and or pulse.

F. Officer(s) should update communications that the patient is in a potential overdose state.

G. Communications personnel will promptly notify EMS and Fire Medics.

H. Officers authorized to use Naloxone kits are responsible for inspecting the kit prior to each shift.

I. Missing or damaged Naloxone kit(s) will be reported directly to the Naloxone Coordinator and the officer's supervisor.

J. The Naloxone Coordinator shall be promptly notified if a Naloxone kit is taken offline or needs replacement/maintenance and shall replace the kit as soon as practicable.

3.26.2 DOCUMENTATION REQUIREMENTS

A. Upon completing a medical assist with Naloxone use, the officer shall make an entry in the Field Contact Module (Naloxone). The entry should include the nature of the incident, the care the patient received, and the fact that Naloxone was deployed and whether the Naloxone use was successful (to the extent possible at the time).

3.26.3 PROCEDURES

A. Administration steps

Nasal Naloxone (NARCAN)

1. Remove nasal naloxone from the outer protective case when ready to use.
2. Insert tip of the product into either nostril and press the plunger firmly.
3. After using nasal naloxone, the user should immediately seek emergency medical help.
4. If symptoms return after an administration of nasal naloxone, an additional dose of nasal naloxone may be needed. Give additional doses of nasal naloxone every 2-3 minutes and continue to monitor the person until emergency medical attention is provided.
5. Studies have shown that naloxone can be administered to infants and children. In the case of administering naloxone to an infant or child, 24-hour surveillance of that child or infant's health status is recommended due to the risk of adverse effects from opioid withdrawal.
6. Nasal naloxone cannot be re-used. There is no risk for accidental needle-stick injury with nasal naloxone.
7. Note: Nasal naloxone (NARCAN) is four times more concentrated than Evzio products. Be aware of adverse effects from opioid withdrawal.

B. Officer(s) should update communications that the patient is in a potential overdose state.

C. Communications personnel will promptly notify EMS and a Paramedic Unit.

3.26.4 TRAINERS

Trainers may include Fayetteville Police Department staff, but they must train under the guidance of a licensed health-care professional. In addition, certified EMTs or higher, shall be appointed by the medical director may also train.

3.26.5 TRAINING PROTOCOL

The Naloxone program must maintain an up-to-date training curriculum, which has been approved by the medical director. All training will address at a minimum:

1. Risk factors of opioid abuse.
2. Signs of an overdose.
3. Actions:

    a) Call 911
    b) Rescue breathing
    c) Recovery position
    d) Using Naloxone

By Order Of: Kemberle Braden, Chief of Police
Digitally Signed

3.28.0 OBJECTIVE

To establish procedures and guidelines for the retention and disposal of public records related to the official business of the Fayetteville Police Department.

3.28.1 PURPOSE

The Fayetteville Police Department (FPD) must retain and dispose of its public records as required by the Municipal Records Retention and Disposition Schedule published by the North Carolina Department of Cultural Resources' Division of Archives and Records. Public records exist in many forms, including email messages and attachments. All records, including email, are to be managed by their content.

3.28.2 DEFINITIONS

A. Electronic Mail (email): The electronic transmission of memos, images, notes, linkages and attachments between computers.

B. Public Record: All documents, papers, letters, maps, books, photographs, films, audio recordings, magnetic, or other tapes, electronic data-processing records, or other material, regardless of form, made or received, pursuant to the transaction of public business by the FPD. Public record excludes personnel files and criminal investigations files.

C. Users: All department employees, volunteers, and reserve officers that have email accounts on the Department's email system.

D. Historical Value: Historical records document significant events, actions, decision, conditions, relationships, and similar developments. These records have administrative, legal, fiscal, or evidentiary importance for the government or its citizens.

E. Electronic or machine-readable records: All records on an electronic storage media. Electronic record means any information that is recorded in a form that only a computer can process.

3.28.3 PROCEDURES

A. Public records must be retained for the length of time required by the Municipal Records Retention and Disposition Schedule. The Schedule categorizes public records into 25 standards. Each standard contains a list setting different retention periods depending on the content of the record. Retention requirements for records pertaining to the FPD are found in the following ten standards:

Standard 1: Administrative and Management Records
Standard 2: Airport Authority Records
Standard 3: Animal Control and Shelter Records
Standard 4: Budget, Fiscal, and Payroll Records
Standard 5: Building Inspections Records
Standard 6: Emergency Services and Fire Department Records
Standard 7: Fleet Maintenance Records
Standard 8: Information Technology Records
Standard 9: Law Enforcement Records
Standard 10: Legal Records
Standard 11: Parks and Recreation Records
Standard 12: Personnel Records
Standard 13: Planning and Zoning Records
Standard 14: Public Housing and Redevelopment Commission

Standard 15: Public Relations Records
Standard 16: Public Transportation System
Standard 17: Public Utilities and Environmental Management Records
Standard 18: Risk Management
Standard 19: Street Maintenance, Public Works, & Engineering
Standard 20: Tax Records
Standard 21: Workforce Development Records

B. Storing Records

1. Any record may be scanned, including permanent records. A Request for Disposal of Original Records Duplicated by Electronic Means form must be completed if the original record is scanned and the scanned records will replace the original and must be designated as the permanent records. A copy of the Request for Disposal of Original Records Duplicated by Electronic Means form must be provided to the Accreditation Manager. The Fayetteville Police Department will always follow the instructions in the NC Guidelines for Managing Trustworthy Digital Public Records, version 2.0.
2. Computer printouts and other data processing input/output may be stored in Laserfiche without specific authorization and recording if the information is maintained on electronic media such as magnetic tape, diskettes, CD- ROM, etc., and the content of the media are scheduled in a records retention and disposition schedule.

C. All training requests for Laserfiche will be coordinated through the IT Liaison Sergeant in the Technical Service Division. Only employees that have been trained in Laserfiche will carry out the day-to-day processes associated with the agency's Laserfiche imaging program, which includes:

1. Designating records to be entered into the imaging system must be in a TIFF or PDF format.
2. Noting (tagging) confidential information or otherwise protected records and fields.
3. Removing transient records.
4. All records must be titled with the year and official title of the document.
5. Reviewing images and indexing for quality assurance.
6. Storing and moving the scanned images in designated folders.
7. Destroying or otherwise disposing of original records in accordance with guidance issued by the Department of Cultural Resources.

D. Disposal of Public Records

1. Records contained in the schedule may be destroyed after the specified retention period. Records eligible for destruction must be shredded or contact the appropriate form to provide this service to FPD.
2. Original records that have been duplicated may not be destroyed before the retention period specified in the schedule without further approval.
3. Computer printouts and other data processing input/output may be destroyed without specific authorization and recording if the information is maintained on an electronic media such as Q-Drive, USB, portable hard drive or CD.
4. Records not authorized for destruction or other disposition by the chart under section H may be disposed of by turning over such records to the Accreditation Manager who will submit a written request to the North Carolina Department of Cultural Resources to assume custody of the records. All copies of requests made to the North Carolina Department of Cultural Resources will be filed and stored in Laserfiche.

E. Records communicated through the email system are public records under the North Carolina Public Records Act and must be made accessible unless their content is exempt from inspections by statute or other regulation. As such, email messages must be easily identifiable, protected and retained according to the schedule.

F. Email that has no administrative, fiscal, legal or historical value may be deleted as soon as it has served its purpose. Such records include meeting notices or request for meetings, confirmations of

appointments, travel reservations, or transmittal of documents without comments. Records that were not made or received in the transaction of public business (e.g. personal messages & junk mail) are not public records and therefore can be destroyed immediately. Employees should restrict their personal email to a personal account to reduce the risk of personal email being disclosed in a bulk public records request. Similarly, employees who use personal email accounts to conduct public business are creating public records and should know they are expected to provide public access to any such messages in the event of a public records request.

G. Non-Public Records

Records of Criminal Investigations, as defined in NCGS 132-1.4(b), whether open, pending or closed, are not public records, pursuant to NCGS 132-1.4(a) and are not subject to disclosure except as required under NCGS 132-1.4(c) et. seq or NCGS 15A-903 et. seq. unless the Chief of Police determines that disclosure is necessary to satisfy an important governmental interest in solving a crime or maintaining the public trust and confidence in the sound operation of the Department.

H. All employees will follow the records retention guideline in the chart below. For documents not listed in the chart, employees will refer to the North Carolina Records Retention and Disposition located at http://www.ncdcr.gov/Portals/26/PDF/schedules/schedules_revised/municipal.pdf; also, a copy will be kept on PowerDMS and Police Shares.

I. All electronic storage which is serviced through an outside provider will require a written agreement which will include the following topics:

1. Custody of data
2. Security and protection of data
3. Loss of data
4. Data retention and redundancy
5. Required report, if any
6. Special logistical requirements and financial arrangements

Please refer to chart below for guidance, if items are not listed in this policy, please reference the 2012 Records Retention and Disposition Schedule at http://www.ncdcr.gov/Portals/26/PDF/schedules/schedules revised/municial.pdf or PowerDMS.

911 File	5 Years
Abandoned Motor Vehicles	3 Years
Accreditation Files	1 year after release from audit
Arrest Records	5 years from date of last arrest if not made part of case file.
Basic Training Schools	20 years if no litigation, claim, audit, etc.
Breathalyzer Records	3 years
Building Lease	Destroy in office records 3 years after termination of lease.
Case History File-Felonies	Destroy in office records concerning solved cases after 20 years (solved cases only) if no litigation, claim, audit, or other official action involving the records has been initiated and the suspect is deceased. Destroy in office after completion of action and

	resolution of issues involved. Refer to NCGS 15A-1468. Unsolved cases will remain until solved. Note: All Homicides and Sexual Assault cases are to be kept indefinitely.
Case History File –Misdemeanors	Destroy in office records concerning solved malicious misdemeanor cases after 10 years if no litigation, claim, audit, or other official action involving the records has been initiated. If official action has been initiated, destroy in office after completion of action and resolution of issues involved. Unsolved cases will remain until solved. * Non-malicious misdemeanors can be destroyed after 3 years even if unsolved. (Non-malicious offenses are those are those in which malice is a necessary element of the offense.)
Citizen Complaints	Destroy in office 1 year after resolution and if no legal action is pending.
Commendation Letter File	Transfer to official personnel file.
Communication Records	30 days, if not part of case file.
Complaints File	3 years after resolution.
Confidential Funds	Destroy in office after 3 years if no audit is pending.
Contracts and Agreements	Destroy in office constructions (capital improvements) contract 6 years after completion or termination of project. Destroy in office all other contracts and agreements 3 years after expiration, termination, or completion. Retain contracts and agreements with historical value permanently.
Crime Analysis Records	Destroy in office after 1 year If records are made part of case file, follow disposition instructions for Case History File: Felonies or Case History File: Misdemeanor.
Crime Prevention Records	Retain records with historical value permanently otherwise the record retention period is 3 years.

Criminal History Inquiry Records	1 year unless part of case file unless part of case file.
Deadly Force, Use of Force	5 years, if no litigation, claim, audit, etc.
Discipline File	Transfer to official personnel file.
Division of Criminal Information and National Crime Information Center Validation Records Request and proofs of verification for DCI-NCIC or other law enforcement information networks.	Destroy in office after 1 year after audit.
DNA Sampling Record: Records documenting the collection of DNA samples from persons for qualifying offenses. Samples are forwarded to the NC State Bureau of Investigation. May include copies of judgments.	Destroy in office 1 year from date sample was obtained if not made part of a case file. If records are made part of a case file, follow disposition instructions for Case History File: Felony or Case History File: Misdemeanors.
Employee Medical Record	Destroy in office records pertaining to job-related illness and injury after 5 years. Destroy in office results of medical examinations required in connection with personnel actions and similar records after 1 year. Records must be maintained separately from an employee's personnel file.
Equipment Inventory and Issuance File	Destroy when superseded or obsolete.
Expunctions Records concerning the expunction of a convicted individual's records. May include petitions, affidavits, and other related records.	Note: If the petition is approved, all records relating to that case are to be destroyed in accordance with the court order.
Extradition Case Records	Follow applicable disposition instructions for Case History File: Felonies or Case History File: Misdemeanors.
Federal Forfeiture Records Records concerning funds received from seized assets and records concerning expenditures made with federal forfeiture funds.	Destroy in office after 3 years if no audit is pending.

Fingerprint Cards (Latent) Latent finger and palm prints that were found at the scene of a crime without identification of suspects.	a) Transfer original copy of fingerprint records to State Bureau of Investigation in accordance with G.S. 15A-502. b) If records are made part of a case file follow disposition instructions for Case History File: Felonies or Case History File Misdemeanors.
Firearms Training	3 years if no litigation, claim, audit, etc.
Fugitive Warrants Case Records	Destroy in office 1 year after case is closed.
Grant Records	5 years after submission of final report.
Inspection File (Triennial Inspection Only)	3 years
Internal Affairs Case Records Records concerning internal investigations of alleged officer misconduct. May include complaints, investigation reports, and other related records.	a) Destroy in office after 30 years from date of separation. Information that needs to be documented: Date and amount of each increase or decrease in salary with that municipality. b) Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with that municipality; Date and general description of the reasons for each promotion with that municipality; Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the municipality. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the municipality setting forth the specific acts or omissions that are the basis of the dismissal. c) Destroy in office information used to verify benefits 30 years after date of separation. d) Destroy remaining records in office when individual retention periods are reached as noted in individual items in the Records Retention and Disposition Schedule. File must be transferred to HR or 30 years after separation for substantiated cases, and an internally set retention period for unsubstantiated cases.
Juvenile Case History Files Includes incident and arrest reports, detention orders, dispositions instructions, names and address of person having legal and /or physical custody of child, fingerprint cards, photographs, correspondence, including email, with municipal, county or state	a) Destroy in office when juvenile reaches 50 years of age if adjudicated for an offense that would have been a Class A, B1, B2, C, D, or E felony if committed by an adult. b) Destroy in office records related to all other cases

juvenile services, and other related records.	when juvenile reaches 21 years of age.
Maintenance Records (Vehicles and Building)	2 years
Medical Injuries to Prisoners	5 years
Mobile Unit Video Tapes (In-Car Camera)	Destroy after 60 days. If record is made part of a case file, follow disposition instructions for Case History File: Felonies or Case History File: Misdemeanors.
Mutual Aid Agreements File	When administrative value ends but within 5 years, original copy must be filed with the City Attorney's Office.
Official Personnel File	Duration of employment with the agency, maintain in IAU, and then transfer to the Human Resource Department.
Oath of Office	Transfer official copy to the Clerk to the Board. Destroy remaining records in office 3 years after official termination.
Payroll Time Card (Timesheets)	a) Destroy in office 3 years from date of separation records used for retirement or similar benefits verification. b) Destroy in office all remaining records after 3 years.
Pawn Shop File	1 year if not made part of the case file.
Peer Counseling File	5 years
Personal Property Claims	2 years
Personnel Training Records	Duration of employment with the agency, transfer to official file; it is required for position or could affect career advancement.
Policy Revision Files	Must be kept permanently.
Property Records (Evidence)	Destroy in office 20 years after disposition of property.
Property Records: Unclaimed	Destroy in office 1 year after disposition of property.
Radio Dispatch Records File	5 years if not made part of case file.
Ride-Along Program Records	3 years if no pending litigation.
Statistical Report File	3 years Note: Annual and biennial reports must be kept

	permanently.
Survey File (Citizens)	When superseded or obsolete.
Traffic Accident Reports File	NC DMV Copy: Transfer within 10 days of accident Other copies: Destroy after 3 years (traffic reports that do not go to the DMV).
Training School Records, In-service	20 years if no litigation, claim, audit, etc.
Transfer Request Record	1 year
Wanted Persons File	5 years
Warrant Register File	5 years
Wrecker Records	1 year if not made part of case file.

By Order Of: Harold E. Medlock
Digitally Signed

3.29.0 OBJECTIVE

The purpose of this policy is to provide guidance and establish the procedure for officers requesting the services of the Mental Health Community Liaison.

3.29.1 POLICY

It is the policy of the Department to consider and utilize the services of the Mental Health Community Liaison in those circumstances where the recipient may benefit from their experience and assistance. Members of the Department shall respect the privacy of records of individuals referred to the Mental Health Community Liaison and shall not ask the Mental Health Community Liaison to share any information learned through confidential counseling sessions, except those times where the Mental Health Community Liaison is required by law to report a disclosure by a client. All work performed by the Mental Health Community Liaison shall be completed in accordance with the core values and ethical code of the Social Work profession.

3.29.2 DEFINITIONS

A. Mental Health Community Liaison - A specifically trained and educated professional who promotes social change and development, engages people to address life challenges, and enhance their overall wellbeing and development. A designated Mental Health Community Liaison is responsible for referrals, maintaining State licensure/certification, adhering to confidentiality requirements; along with properly documenting interactions with clients.

3.29.3 PROCEDURES

A. Referrals by Officers - When an officer comes into contact with an individual they believe would benefit from services provided by the Mental Health Community Liaison, they shall do one of the following:

1. Call the Mental Health Community Liaison to respond directly to the scene if the scene is considered safe and it has been determined that immediate contact between the Mental Health Community Liaison and the individual could be of benefit. Calls in which an immediate response may be appropriate include:

    a. Calls in which individuals are found to be unable to properly care for themselves.
    b. Calls involving individuals experiencing a mental health crisis that do not necessarily meet the criteria for an arrest.
    c. Calls involving juveniles that are believed to be suffering from a mental health disorder that leads to family problems and/or delinquency.
    d. Calls that are related to the transient population and associated issues of mental health concerns, substance use disorder, etc.
    e. Death investigations
    f. Sexual assault investigations
    g. Domestic assault investigations

h. Traffic crash investigations involving fatalities or serious bodily injury

2. Email the Mental Health Community Liaison with the individual's contact information and include the CAD number if applicable so the call for service and/or case report can be reviewed. If applicable, Officers may also inform the individual about the services provided by the Mental Health Community Liaison and get their consent to contact.

3. Officers may be required to escort the Mental Health Community Liaison for any follow-ups that require in person contact.

B. Storage and Confidentiality of Client Files

1. Client files shall be kept confidential and shall be stored in one of two ways:
   a. In a locked storage cabinet, except when in use.
   b. On a password protected electronic device that is locked when not in use.
2. Client files shall not be shared with any non-Mental Health Community Liaison employees of the Department.
3. Information in client files shall be protected under Federal regulations governing Confidentiality and Substance Use Disorder Patient Records (42 C.F.R. part 2) and the Health Insurance Portability and Accountability Act of 1996 (45 C.F.R. parts 160 & 164).
   a. Confidential client information may only be released by the Mental Health Community Liaison if the client signs the *Fayetteville Police Department Mental Health Authorization to Release Information* form, or provides the Mental Health Community Liaison with written authorization to affix their signature to the form on their behalf.
   b. Information may be released for purpose of:
      1. Coordinating medical, social, psychological and other services.
      2. Providing housing assistance and determining rental subsidy.
      3. Providing referral information.
      4. Research and statistical data for publication purposes.

C. Data Collection

1. The Mental Health Community Liaison shall maintain demographic data on clients they interact with and provide services to.
2. This data shall also include information on the number of clients with which contact is made, services are provided to, etc. for comparison purposes.
3. This data shall not contain any identifying information about clients and shall be considered separate and distinct from the protected information contained in any confidential file maintained by the Mental Health Community Liaison.

By Order Of: Kemberle Braden
Digitally Signed

4.1.0 OBJECTIVE

To establish procedures for the Emergency Response Team (ERT).

4.1.1 POLICY

The Fayetteville Police Department (FPD) acknowledges the protection and reverence for human life should be paramount in every officer's mind. Although we are often called upon to make split second decisions regarding life or death situations, it will be the intent of our officers to use only the amount of force which is reasonably necessary. Unreasonable or unjustifiable force can result in an overall degradation in public trust. The sanctity for human life must be foremost in the minds of every member of this department and every opportunity to avoid using force, when feasible, should be considered.

As always, officers should strive to de-escalate the offender's resistance at all points, before, during, and after an event. Officers will tailor their use of force, in accordance with N.C.G.S. 15A-401, Graham vs. Connor, any other applicable case law, experience, and/or current training. As the offender escalates or de-escalates their unlawful resistance, the officer will increase or decrease his/her use of force to overcome it. The level of force used must be such that it is "objectively reasonable" and necessary, meaning that the officer involved would believe the force used is necessary and that the reasonable officer standard would judge that belief as reasonable. Crucial to this ability is the officer's understanding of force options, immediacy of the threat, and the reasonableness of the force option(s) based upon those perceptions. That may mean having to use multiple force options until the resistance has stopped, and the subject has been controlled.

4.1.2 DEFINITIONS

A. Deadly Force - Any use of force likely to cause death or serious physical injury. Force which is not likely to cause death or serious physical injury, but unexpectedly results in death or serious injury will not be considered deadly force.

B. Force Option – Force options are techniques or weapons that are appropriate and objectively reasonable based on the unlawful conduct or resistance offered by an offender(s).

C. Less Lethal Force - Any use of force that by its very nature is not intended to, nor is it likely to cause death; however, death may result depending on its use.

D. Reasonably Necessary - Those actions, based upon the known facts or circumstances, which would normally be expected from a reasonable and prudent officer under similar circumstances.

E. Serious Physical Injury - Any injury that could result in disfigurement, disability or death.

4.1.3 ORGANIZATION

The ERT is assigned under the Specialized Services Bureau Commander and all activities will be directed by the ERT Commander holding the rank of Captain. The ERT consists of officers assigned from all areas of the department. An operational team consists of one Lieutenant and two Team Leaders holding the rank of Sergeant. An operational team is comprised of entry, perimeter and sniper personnel.

4.1.4 SELECTION AND EVALUATION

A. Officers will be appointed to the ERT after a review of the officer's work record by the Specialized Services Bureau Commander and ERT Commander. In selecting officers for assignment to the ERT, the Specialized Services Bureau Commander and ERT Commander will consider the following areas:

1. formal education
2. police and related schools
3. firearm scores and physical fitness
4. special qualifications
5. past performance
6. disciplinary record
7. capability of dealing with the public under stressful situations

B. Officers assigned to the ERT will only be selected according to procedures established in the Written Directive 6.6: Specialized/ Career Enrichment Assignments. The ERT position is voluntary. Officers may be removed from serving on the ERT when department needs dictate. Removal of officers from the ERT will be at the discretion of the Specialized Services Bureau Commander.

4.1.5 TRAINING

A. Officers who are selected for the ERT are required to maintain the required training schedule established by the ERT Commander and/or his/her designee. All training documentation will be maintained by the Training and Education Center in the officer's Training and Personnel File.

B. The ERT will develop and enact a formalized training program using the current National Tactical Officer's Association Standards as a guide and in keeping with the appropriate NIMS Incident Command System (ICS) "All Hazards Manual" for the development of training calendars, schedules and resources.

C. The ERT will train, at a minimum in accordance with the following schedule:

1. All team members must attend and successfully complete a 40 hour basic SWAT Course.
2. 16 hours of team training will be scheduled each month,
3. All members must attend a 40 hour annual in-service team training event that focuses on the mission requirement of the ERT as described in the "All Hazards Manual."

D. The following are identified as specialized skills that may require additional training:

1. Long rifle (sniper) operations
2. Explosive Breacher
3. Tactical Rappel Master

E. Any specialized skill requirements will be identified by the Emergency Response Team Commander as needed to meet the requirements of the Police Department's mission. Emergency Response Team members will maintain qualifications scores of 90 % with the department issued pistol and 95 % with the department issued rifle. Above average firearms scores for all assigned ERT weapon systems will be established by the ERT Commander in accordance with the Fayetteville Police Department Emergency Response Team Tactical Operators Manual under all conditions.

F. ERT members will perform additional physical fitness and firearms testing in accordance with the Fayetteville Police Department Emergency Response Team Tactical Operators Manual. The testing will be comprised of activities related to the job requirements and will be used to determine each officer's state of readiness.

4.1.6 EQUIPMENT

The ERT will be equipped with functional uniforms, special weapons systems and all equipment necessary to conduct efficient and effective ERT operations.

4.1.7 RESPONSE

A. The ERT will respond to any incident where normally equipped and trained personnel would not be able to effectively and safely resolve the situation because of an excessive level of danger to life, health or property of the parties involved. The ERT operational priority for hostage incidents, armed barricaded persons, sniper incidents, aggravated suicide attempts and other related tactical events is containment and apprehension.

B. The Field Supervisor will respond to the scene, confirm the existence of a high-risk situation and brief the Watch Commander accordingly. The Field Supervisor will also ensure the initial containment of the incident. Patrol Officers will be used for traffic control at key intersections and to assist ERT with outer perimeter responsibility. Maintain overall authority of the incident until relieved by the Watch Commander or a ranking Staff Officer.

C. The Watch Commander will assume command upon arriving at the scene and direct the containment of the incident and protection of the crime scene. On confirmation of the need for a response by the ERT, the on-duty Watch Commander will notify an ERT supervisor and provide as much incident information as possible.

D. The Watch Commander will notify the Chain of Command, Crime Information Center (CIC) and Hostage Negotiators if necessary. The Watch Commander will initiate the evacuation of citizens from adjacent buildings, houses, etc., within the tactical area, and coordinate any other support necessary, (e.g. communication, emergency rescue personnel, ambulance, fire department).

E. The CIC will be notified by the Watch Commander and will be directed by the ERT Commander to respond to the command post or the Police Administration Building. The CIC will be responsible for conducting suspect/hostage profiles and gathering other intelligence information. This information will be distributed to the ERT Commander.

F. When a high-risk situation develops, ERT officers will respond to a predetermined location where they will be briefed and given tactical instructions, unless circumstances dictate an immediate response to the scene. When practical, the Tactical Command Post will be separate and apart from the Incident Command Post.

G. The ERT Lieutenant will make follow up contact with the ERT members to ensure that all personnel are notified. The ERT Commander will receive and disseminate information gathered from the Crisis Negotiation Team and CIC as needed to the appropriate personnel.

H. The ERT Commander will designate the secure radio talk group to be used during tactical incidents. When necessary the ERT Commander will order the Personnel Rescue Vehicle (PRV) to be brought to the Tactical Command Post by a trained operator. An ERT team leader will be responsible for determining whether an evacuation of injured persons can be safely accomplished. If an evacuation is necessary, the tactical team members will use the PRV to conduct the evacuation.

I. Supervisors and officers will avoid communicating with the suspect(s), pending the arrival of trained negotiators. When circumstances require communicating with the suspect, communication will be kept to a minimum until the Crisis Negotiation Team arrives.

J. In the event a physical assault, chemical solution, or marksman solution is ordered on a location or suspect, the ERT Commander will provide direct control and instruction of ERT personnel.

1. The ERT Lieutenant will give the command for a physical assault after obtaining concurrence of the ERT Commander unless an emergency situation dictates otherwise.
2. The ERT Lieutenant will give the command for a marksman solution after obtaining concurrence of the ERT Commander unless an emergency situation dictates otherwise.
3. A command will not be given for a marksman solution unless a physical assault is planned in conjunction with the marksmen, unless an emergency situation dictates otherwise.

K. In the event an ERT Lieutenant is not present to supervise their respective teams, the Senior Team Supervisor or Senior Team Officer will be responsible for supervision of the team.

L. A debriefing will occur immediately following the event. Information discussed will be included in an after-action report completed by the ERT Lieutenant. After-action reports will be completed at the conclusion of any major events and training exercises. This will be accomplished within 72 hours after the completion of the event. After-action reports will be submitted to the ERT Commander for review.

4.1.8 MEDIA RELATIONS

The Public Information Officer will be responsible for coordinating with media personnel during tactical situations in accordance with Written Directive 3.5: Media Policy.

4.1.9 EXPLOSIVE BREACHING

A. In the event of a high-risk situation, only qualified ERT trained officers will prepare, construct and deploy breaching techniques. Explosive Breaching causes a similar shock and stunning effect as a distraction device, while also guaranteeing entry.

B. The decision to utilize explosive breaching will be made by the ERT Commander or designee. The Explosive Breacher will be responsible for ordering breaching equipment, storage of equipment, preparing and constructing breaching charges and maintaining an Explosive Breaching Report Log and an Inventory Log.

C. The Explosive Breacher will be responsible for writing an after-action report in memorandum form. This report will be submitted to the ERT commander for review.

D. Explosives must be stored in a container that is in compliance with the Bureau of Alcohol, Tobacco and Firearms and the Occupational Safety and Health Administration.

4.1.10 LESS LETHAL FORCE AND WEAPONS

A. Policy Statement

1. FPD officers are authorized to use less-than-lethal devices only as consistent with this policy statement.
2. Pursuant to this policy statement, less-than-lethal devices:
    a. Are synonymous with “less lethal,” “non-lethal,” “non-deadly,” and other terms referring to devices used in situations covered by this policy statement; and
    b. Include, but are not limited to:
        i. Impact Devices (e.g. batons, bean bag projectiles, baton launcher, rubber projectiles, sting-balls);
        ii. Chemical Agents (e.g. CS/OC gas, pepper spray, pepper-balls)
3. FPD officers are authorized to use less-than-lethal devices only in those situations where reasonable force, based on the totality of the circumstances at the time of the incident, is necessary to effectuate an arrest, obtain lawful compliance from a subject, or protect any person from physical harm. Use of less-than-lethal devices must cease when it is no longer necessary to achieve the law enforcement objective.
4. FPD officers are authorized to use **only** those less-than-lethal devices authorized by their respective units **and** that they are trained to use, absent exigent circumstances.
5. FPD officers are **not** authorized to use less-than-lethal devices if voice commands or physical control achieve the law enforcement objective. FPD officers are **prohibited** from using less-than-lethal devices to punish, harass, or abuse any person.
6. Less-than-lethal devices are used with a reasonable expectation that death or serious bodily injury will not result. They are, however, recognized as having the potential to cause death or serious bodily injury, and FPD officers **may** use less-than-lethal devices as deadly weapons **only** when authorized under the FPD Use of Deadly Force policy.
7. FPD officers must make necessary medical assistance available to subjects of less-than-lethal device use as soon as practicable.
8. FPD units authorized to use less-than-lethal devices **must** establish rules and procedures

implementing this policy statement.

9. FPD units authorized to use less-than-lethal devices **must** establish training programs and procedures for using less-than-lethal devices that are consistent with this policy statement.
10. FPD units **must** individually establish procedures for documenting, reporting, reviewing, and investigating (as warranted), **all** incidents involving the use of less-than-lethal device in accordance with the FPD Use of Force Policy.

B. Impact Munitions (IMs)

1. Types of IMs used by FPD include:
    a. 12 Gauge Impact Munitions (Bean Bags)
        i. The bean bag round is authorized for use only by officers who have received specialty impact munitions training approved by the department.
        ii. Specialty Impact rounds are carried in the trunk of the police vehicles.
        iii. The Specialty Impact round is transparent and marked.
        iv. When loading Specialty Impact rounds the officer must visually inspect the round.
        v. When deploying Specialty Impact rounds the officer must, prior to discharge, alert backup officers that they are "deploying bean bag".
        vi. Accurate and effective deployment of the round varies in distance.
        vii. When officers use this device, appropriate medical attention must be obtained for the suspect.
        viii. Only appropriate medical personnel will remove the projectile.
        ix. Officers should avoid aiming at the head, neck and heart.
    b. Bean Bag 40 MM
        i. The 37 or 40MM Bean Bag round contains one silica sand-filled bag.
        ii. This is a pain compliance round for crowd control that is suitable in moderate ranges of fire approximately 20-35 feet.
        iii. Outside of 35 feet, the round by nature of its design may provide the necessary accuracy or energy to be used as a target specific round.
        iv. This round may also prove valuable in riot situations where the police lines and protestors are in close proximity.

C. Multi-Role Projectile Launcher

1. The GL-6 is a semi-automatic multi-role 40MM six shot revolver type spring motor driven projectile launcher. This less than lethal weapon is capable of firing baton rounds and chemical munitions (Oleoresin Capsicum - OC, Chlorobenzylidenemalononitrile – CS, and Chloroacetophenone - CN).

    a) The GL-6 is assigned to the Emergency Response Team and is authorized for use only by personnel who received Fayetteville Police Department approved training on the multi-role projectile launcher.
    b) The 40MM baton rounds are blunt trauma inducing rounds.
    c) The safe range for deploying the rounds in a minimum distance of 5 yards.
    d) Officers should avoid aiming at the head, neck, upper torso, and groin area.
    e) When officers use the 40MM baton rounds, appropriate medical attention must be obtained for the subject.
    f) The 40MM baton rounds and chemical munitions will be stored in the Emergency Response Team equipment room.

D. Foam Baton

1. The Foam Baton is a 37/40MM round that contains three foam projectiles. It is intended to be

direct fired, but may be skip fired at the discretion of the operator.
2. As a pain compliance round for crowd control, this round is most suitable in close to medium range of fire, approximately 15 to 30 feet.
3. For the incapacitation or distraction of single non-compliant or aggressive subjects, this round is best suited at close to moderate distances, approximately 10 to 20 feet.

E. 60, 45 or 32-Cal Rubber Projectile Cartridges

1. The 60, 45 or 32-cal Rubber Projectile Cartridges are 40MM rounds that contain varying amounts of rubber projectiles.
2. It is intended to be direct fired at the discretion of the operator, but it is necessary to keep the trajectory low so the projectile spread will not engage the subject above the breast line.
3. This is a pain compliance round for crowd control and is most suitable at close to medium ranges of fire, approximately 15 to 40 feet. At closer ranges, this round may cause minor injuries.

F. Rubber Baton

1. The Rubber Baton is a 40MM round that contains three rubber projectiles.
2. The Rubber Baton is intended to be skip fired but may be direct fired at the discretion of the operator.
3. This is a pain compliance round for crowd control, it is most suitable at medium to extended ranges of fire, approximately 30 to 60 feet.
4. Inside of 30 feet, this round may result in minor injuries.

G. Wood Baton

1. The Wood Baton is a 40MM round that contains three wood projectiles.
2. The 40MM Wood Baton round is generally deployed in low trajectories or skip fired in the general direction (non-target specific) of the intended targets administering a means of pain compliance over greater distances than most of its counterparts.
3. This is a round for crowd control; it is most suitable at medium to extended ranges of fire, approximately 30 to 60 feet.
4. Inside of 30 feet, this round may result in minor injuries.

H. Sponge Round

1. The Sponge Round is a light weight, high speed projectile consisting of a plastic body and a foam (sponge) that is spin stabilized via the incorporated rifling collar and the 40MM launcher's rifled barrel.
2. The 40MM exact impact Sponge round is intended for direct fire deployment.
3. This round will prove most successful for incapacitation when used within its optimal energy range of approximately 10-75 feet, although it may be used in situations from 5 to 120 feet.
4. The exact impact Sponge Round can also be deployed in crowd control situations to protect the riot line, cover or enhance chemical munitions, or target specific agitators and organizers in the crowd.

I. Sting Grenade

1. This device is a pyrotechnic, hand deployed grenade containing 180 .32 inch projectiles or 80 45 cal. projectiles.
2. It is available with just the projectiles or with the projectiles and a complement of OC or CS.
3. It is a pain compliance, distraction and disorientation device for crowd management.
4. Deployed as a ground burst or aerial burse per the discretion of the operator.
5. Blast radius of up to 150' for projectiles and chemical agents.
6. Maximum effect device delivers four stimuli for psychological and physiological effect:

    a) Rubber projectiles
    b) Light
    c) Sound
    d) Optional chemical agent

4.1.11 NOTIFICATION & REPORTING

In any situation in which an officer is required to use force against another person, the officer shall contact a supervisor to come to the scene after rendering the situation safe and summoning medical assistance for anyone injured. If the circumstances make such action impractical, the supervisor must be contacted as soon as possible following the incident. If a supervisor is not available, the officer will contact any on-duty Watch Commander to come to the scene.

A. Officer Responsibilities

On-duty or off-duty officers who use less lethal force either deliberately or accidentally, or any officer who witnesses the use of less lethal force, and while acting in an official capacity as a law enforcement officer will:

1. Immediately take all measures to render the situation safe.
2. After employing any force including lethal or less than lethal weapons, or upon a finding of any injury or a complaint of any injury, officers shall render appropriate medical aid and request further medical assistance, when necessary, for the suspect and any other injured individuals, as soon as it is safe to do so. Any aid provided shall be documented in the appropriate report. For injury sustained or caused by usage of a CEW refer to WD 4.10.8 REMOVAL OF PROBES/FIRST AID.
3. Contact immediate supervisor to respond to the scene. If a supervisor is not available, the officer will contact any on-duty Patrol Lieutenant to come to the scene. If off-duty, contact the on-duty supervisor, Watch Commander or Patrol Lieutenant.
4. Notify the Communication Center of the situation.
5. Request additional units to assist in protecting the scene and detaining witnesses as necessary.
6. Complete a detailed CIR indicating what events led up to the use of force incident (by the end of the officer's tour of duty, if feasible).

B. Supervisor/Watch Commander/Sector Lieutenant Responsibilities

1. Confirm that medical assistance has been requested and provided as necessary.
2. Issue a MIR3 Command Staff Notification and ensure verbal contact is made (**if necessary**) with the appropriate Chain of Command.
3. Make certain that the incident scene is protected and all witnesses are identified and, if possible, statements are obtained.
4. Coordinate the activities of responding back-up units.
5. Ensure photographs of the subject and officer are obtained identifying any injury or alleged injury sites, the area in which the force was used and any other pertinent photographs.
6. Ensure all reports are complete and submitted prior to the end of the tour of duty.
7. Obtain a statement from subject on whom the force was used. If a subject refuses to give a statement, the supervisor will note the refusal in the investigative file.
8. Ensure all videos are classified properly and downloaded to server.
9. It is the responsibility of the immediate supervisor to thoroughly investigate the incident. Supervisors will complete a Use of Force entry into Blue Team and follow the administrative investigative procedures outlined in Operating Procedure 1.1, Internal Administrative Investigative Procedure.

C. Investigations and Reporting

1. The following are examples of situations where completion of a Use of Force Investigation is **required**:

    a) When an officer discharges a firearm for other than training or recreational purposes.
    b) When the officer takes an action that results in or is alleged to have resulted in injury or death of another person.
    c) Whenever an officer applies force through the use of lethal, less lethal or non-deadly

weapons.

d) If an officer applies weaponless physical force at a level that requires medical attention, even if treatment is refused, or there is a claim of injury.
e) Whenever an officer applies physical force that involves striking or hitting another person.
f) When an individual alleges excessive force was used.

2. The department reviews or investigates all reportable use of force incidents to determine their justification, as well as to correct any identifiable training deficiencies. The report should distinguish which force option was selected and why it was objectively reasonable. Supervisors will respond to each use of force incident in which reportable force is used, conduct an administrative investigation in accordance with Operating Procedure 1.1, Internal Administrative Investigative Procedure. The internal affairs unit should be consulted if there is any question about who should complete the administrative investigation. Acting supervisors are not authorized to complete a use of force investigation. The report will include each officer and each reportable use of force.

3. All use of force incidents that result in serious bodily injury and/or death will be investigated administratively by Internal Affairs.

4.1.12 REFERENCES

W.D. 3.5	Media Policy
W.D. 4.1	Use of Force and Reporting
W.D. 4.11	Use of Deadly Force and Reporting
W.D. 6.6	Specialized/ Career Enrichment Assignments
O.P. 1.1	Internal Administrative Investigative Procedures

Fayetteville Police Department Emergency Response Team Tactical Operators Manual

By Order Of: Kemberle Braden
Digitally Signed

4.2.0 OBJECTIVE

To establish guidelines for executing search warrants, including entries to execute an arrest warrant by members of the Fayetteville Police Department (FPD). This procedure does not apply to warrantless searches.

4.2.1 PLANNING SEARCH WARRANT EXECUTION

A. Medium to High Risk Search Warrants

1. Upon completion of threat assessment form (POL-654) and verification of available intelligence, if the threat assessment score falls into the medium to high risk category, or the high risk category, then the supervisor for the officer/detective initiating the search warrant should proceed as follows:

    a. Conduct a briefing with all parties involved, to include but not limited to, Division Commander or any available Captain or above, ERT (if applicable), and Chief of Police or his/her designee. The Chief of Police will be briefed on all search warrants/threat assessments, and sign all search warrants/threat assessment forms (POL-654), and Search Warrant Command Staff Review forms prior to execution of the search warrant.
    b. Administrative search warrants which may include but is not limited to: phone searches, video searches, bank and other administrative record searches do not require the Division Commander or their designee's signature prior to execution.

2. The Chief of Police or his/her designee will designate a Search Supervisor to be in charge of the on-scene execution of the search warrant. The Search Supervisor will be responsible for:
    a. Reviewing the affidavit and search warrant for accuracy and validity.
    b. Identifying any hazards that exist.
    c. Determining the type and number of personnel needed.
    d. Selecting appropriate equipment.
    e. Assigning each officer a role to perform during execution.
    f. Confirming that all non-uniformed personnel are wearing raid jackets with visible police shields and all members are wearing department approved body armor.
    g. Reviewing a sketch of the premises to be searched. Verifying building description and the address if available. The Search Supervisor will make every effort to ensure the correct premises are being entered.
    h. The Search Supervisor will designate an Entry Team Leader who has the sole responsibility of confirming and directing the Entry Team to the actual entry area. The Entry Team Leader will have the absolute authority to stop the entry at any time if there are any doubts about whether or not a correct entry is about to be made. No other duties will be assigned to the Entry Team Leader. The Entry Team Leader's name must be documented in the Search Supervisor's action plan along with any instructions given to the leader by the Search Supervisor.
    i. Determine if any support units will be needed and coordinate necessary information.
    j. The Search Supervisor will complete the Threat Assessment for Warrant Service (POL-654). The Search Supervisor will inform their Division Commander or their designee if the threat assessment indicates high risk. It will be the Division Commander's (or designee's) decision to utilize ERT for the execution of the warrant. The Police Chief or his/her designee will be briefed on the plan prior to activating the ERT. If ERT is requested, the Division Commander or their designee will contact the ERT Commander or supervisor in charge and brief them on the plan and request the necessary resources.

B. Low Risk Search Warrants

1. Upon completion of threat assessment forms (POL -654) and verification of available intelligence, if the threat assessment score falls into the low risk category, then the supervisor for the officer/detective initiating the search warrant should proceed as follows:

   a. Conduct a briefing with all parties involved, to include the Division Commander for that area. If the Division Commander is not available, then the briefing shall be conducted with an available Captain or next highest-ranking member of Executive Staff.

C. Search Warrant Review

All search warrants, excluding administrative search warrants, will be reviewed by at least a Captain or above. If a Captain is unavailable, then the next highest-ranking member of Executive Staff should be contacted.

4.2.2 SEARCH PROCEDURES

A. The Search Supervisor will coordinate the search with any other supervisors involved and the case detective responsible for procuring the warrant.

B. The Search party will enter the premises according to the pre-determined plan and in accordance with NCGS 15A-249 and NCGS 15A-251.

1. An officer must knock and give notice of his identity and purpose before entering. **NOTWITHSTANDING 15A-251(2), THE EXECUTION OF NO-KNOCK WARRANTS IS PROHIBITED. UNDER NO CIRCUMSTANCES WILL AN OFFICER ATTEMPT TO OR MAKE ENTRY INTO A PREMISE WITHOUT GIVING NOTICE OF HIS/HER IDENTITY AND PURPOSE FOR BEING ON THE PREMISES.** Notice must be given in a manner likely to be heard by anyone who is present. If admittance is being denied, or unreasonably delayed, or the premises are unoccupied, the premises may be forcibly entered.
2. If there is probable cause to believe that giving notice would endanger the life or safety of any person, then forcible entry may be made without notice. Facts supporting this belief should be included in the search warrant affidavit if available at the time the affidavit is drafted.

C. Once the premises are secured, video of the entire premises (inside and outside) will be taken prior to the search being conducted to document the condition of the premises to be searched and any damage present prior to the search, this includes broken windows, broken doors, damage to any property located in the premise, etc. Video will also be taken after the search of the premises is completed. The Search Supervisor will assign an officer to take the video and enter it into evidence. The video is for risk management purposes but is also discoverable as evidence in court. Forensic Technicians will not be utilized for this process. Forensic Technicians will be responsible for photographing and collecting evidence of potential forensic value at crime scenes as required. Any search warrant scene processed by Forensic Technicians where pre and post search photos are taken will not require video. Video will not include any audio.

D. Video recording should begin outside the scene and include the address, business name, license plate number, etc. to clearly identify the scene being documented. Video footage should be taken in a slow and methodical manner, ensuring each room/area is recorded in a 360-degree continuous panning method. Panning too quickly results in scene details not being recognized due to the short time frame in which they are present in the viewing screen. Record the transfer from one room/area to another to ensure the viewer has a frame of reference for each location in relation to other areas in the scene. Do not narrate during the video recording process; ensure all personnel involved in the search are not in the video and that they remain silent while documenting the scene.

E. The search will be conducted as quickly, thoroughly, and with as little damage as possible. Photographs will be taken of any damage.

F. The officer who swears to the affidavit will be the primary search officer and will collect the evidence to limit the number of officers required to testify in court.

G. Every legal effort will be made to associate evidence with one of the occupants of the premises.

H. Evidence will be placed in separate envelopes or containers by the officer responsible for collecting all evidence, and will be marked to indicate where found, by whom, and item number for individual items of evidence collected.

I. The primary search officer will note the location of evidence and occupants. Photographs will be taken when possible.

J. Arresting officers will identify the tenant of record for the premises.

K. At the completion of the search the Search Supervisor will complete a "Raid and Search Report" form and submit it to the Unit Commander prior to completing their shift.

1. The Search Supervisor will forward the report through the chain of command.
2. Copies of all photographs, the search warrant, arrest sheets, evidence and property reports, will become a part of the search file.
3. The Unit Commander will retain the completed raid and search file for a period of three years following the date of the search.

L. A search warrant must be executed within 48 hours of issuance. After execution, the officer drawing the search warrant will return the warrant to the Magistrate or Clerk's Office with a written inventory of the items seized. The inventory must be signed and sworn to by the officer who drew the warrant.

M. If an officer executing a search warrant discovers that an incorrect person, vehicle or place has been searched, the Search Supervisor will:

1. Explain clearly that the Police Department made an error and if possible, why the error was made.
2. Apologize for any inconvenience.
3. Notify the Police Attorney.
4. Notify the Bureau Commander.
5. Secure the residence if damage occurred during entry.

4.2.3 FORCIBLE ENTRY TO EXECUTE SEARCH WARRANT

A. When the Search Supervisor anticipates forcible entry into an occupied structure, or using force against the occupants, he will:

1. Coordinate communications and equipment.
2. Coordinate assistance from specialized support units including the Police Attorney.
3. Consider availability of medical resources.
4. Develop strategies for approaching, entering, securing and leaving the structure that will minimize risk or injury.
5. Discuss the threat potential and anticipated force with all members of the entry and search team.
6. When the potential for violence is imminent or significant, the Search Supervisor will review the execution plan with the immediate supervisor and the Police Attorney to evaluate and approve the entry plan.

B. Any deviation from this procedure must be coordinated with the Bureau Commander and the Police Attorney.

4.2.4 UTILIZING ERT FOR SEARCH WARRANT EXECUTION

A. Search Supervisor Responsibilities- When a Search Supervisor's Division Commander determines a need for the Emergency Response Team (ERT) to execute a search warrant, the Search Supervisor will

notify the on-call ERT Lieutenant or Sergeant as soon as possible. When possible, 24-hour notice of a pending search warrant should be given. When utilizing ERT, the Search Supervisor will be responsible for providing the following information to the ERT Commander / Team Leader.

1. Accurate location and description of location to be searched.
2. Photos and or video of location.
3. Criminal background of all suspects.
4. Information concerning weapons on the premises.
5. Information concerning barricades on the doors, windows, etc.
6. Information concerning children, elderly persons or animals on the premises.
7. Any other case information pertinent to the safe and successful execution of the warrant.
8. Fill out Special Operations Plan (POL – 715).
9. Threat Assessment for Warrant Service (POL-654).

B. ERT Commander / Team Leader Responsibilities

1. Activate on- call team.
2. Alert on-call tactical medic.
3. Ensure transportation is available for Teams.
4. Devise and brief a plan ensuring safe execution of the warrant.
5. Determine optimal time of execution based on tactical factors as well as case information.
6. Review Search Warrant.
7. Review POL-654.

C. The ERT Commander will be responsible for all actions on-site until the target location is secure. Once the target is secure, control will be turned over to the Search Supervisor.

4.2.5 SEARCHING PREMISES TO SERVE AN ARREST WARRANT

A. Forcible Entry of Private Premises to Serve an Arrest Warrant. Officers may enter private premises to arrest a suspect if:

1. An arrest warrant has been obtained,
2. Exigent circumstances exist, or
3. Consent has been obtained from an occupant with the apparent authority to consent.

B. Officers may **forcibly enter** a third party's premises to arrest the subject of an arrest warrant only if a search warrant has been obtained for the premises, unless exigent circumstances exist justifying an entry without a search warrant or consent has been obtained from an occupant or resident with apparent authority to consent.

C. Officers will knock and give notice of their identity and purpose. If the officers believe that admittance is denied or unreasonably delayed, they may use necessary force to enter.

By Order Of: Gina V. Hawkins
Digitally Signed

4.3.0 OBJECTIVE

To establish guidelines for conducting surveillance operations.

4.3.1 PURPOSES OF SURVEILLANCE

A. Surveillance is an extremely important investigative method and at times the only method of obtaining factual information during an investigation. Surveillance can also be an effective way of stopping criminal activity before it occurs. Surveillance will be used for legitimate law enforcement purposes only and will be conducted in such a manner that no infringement occurs upon the statutory and constitutional rights of any individual.

1. To determine or verify the existence of a violation.
2. To verify the reliability of an informant and information.
3. To collect evidence to make an arrest, or to secure an arrest or search warrant.
4. To locate suspects or apprehend wanted persons.
5. To determine identities of individuals and establish relationships between suspects, accomplices and associates.
6. To determine methods of operation for conducting search warrants, raids or apprehension.
7. To prevent the commission of a violation or to apprehend a violator in the commission of a crime.
8. To protect undercover officers or dignitaries.
9. To identify residences or other locations used for criminal activity.
10. To establish timetables for movement of persons or property involved in criminal violations and aid in the development of a Modus Operandi (M.O.).
11. To safeguard places, persons or objects.

B. Surveillance, for the purpose of this operating procedure, is defined as the continuous or periodic watching of persons, vehicles, and places or objects.

C. The routine observation of individuals or groups acting in a suspicious manner, the photographing and visual monitoring of events for safety, historical, or training purposes does not constitute surveillance as defined by this operating procedure.

4.3.2 TYPES OF SURVEILLANCE

A. Mobile Surveillance occurs when a detective or an investigative team follows a subject on foot, in ground vehicle transportation, or air transportation.

B. Stationary Surveillance is the continuous observance of a place, person or object from a fixed point.

C. Photographic Surveillance is the use of still or video photography to identify persons, places or objects. Photographic surveillance is also used to illustrate the testimony of the surveillance officers.

4.3.3 OPERATIONAL GUIDELINES

A. Prior to conducting surveillance, the originating unit supervisor will be responsible for the execution of the surveillance and the coordination of efforts of each of the surveillance officers. All pertinent information concerning the suspect, premises, vehicles and objects will be gathered and disseminated to the officers involved. A physical reconnaissance should be made to survey vantage points, traffic conditions, and topography of the target area.

B. If information is received from an unconfirmed or anonymous source indicating a crime may occur at a business that is open, the supervisor will attempt to contact and inform the owner or manager of the business of a potential threat to allow the responsible person to make an informed decision.

C. Surveillance operations will be coordinated and closely supervised by the assigned supervisor.

D. Prior to any surveillance, the supervisor in charge will brief all officers to establish operational guidelines and procedures. The following will be covered:

1. A profile of the crimes and victims involved.
2. Probable offenders will be identified and analyzed. The analysis should reveal information concerning habits, associates, vehicles, M.O., and any other pertinent information.
3. Familiarization with the target area.
4. Familiarization with plans and procedures for observation, arrest, and following the subject.
5. Expense funds.
6. Communication frequency, primary and secondary channels of communication.
7. Vehicles and equipment needed.
8. Hours and period of surveillance shifts, number of officers assigned and assignments.
9. Legal considerations. When necessary, the Police Attorney will be consulted.
10. Officer safety and discontinuation of the surveillance operation.
11. Emergency/Medical Assistance procedures.

By Order Of: Harold E. Medlock
Digitally Signed

4.4.0 OBJECTIVE

To establish procedures for investigating and containing hostage/barricaded subject situations, to include the utilization and deployment of the Emergency Response Team and Crisis Negotiators.

4.4.1 DEFINITIONS

A. The Fayetteville Police Department believes the protection and reverence for human life should be paramount in every officer's mind. Although we are often called upon to make split second decisions regarding life or death situations, it will be the intent of our officers to use only the amount of force which is reasonably necessary. Unreasonable or unjustifiable force can result in an overall degradation in public trust. The sanctity for human life must be foremost in the minds of every member of this department and every opportunity to avoid using force, when feasible, should be considered. Due to varying conditions and circumstances in each situation, this policy is a general guideline in dealing with hostage/barricaded subject situations.

B. Hostage situations occur when person(s) are held against their will by a suspect with the actual or implied use of death or serious bodily injury for political or personal gains.

C. A barricaded subject situation is when a subject is taking a position of confinement to avoid apprehension or threatening suicide, through the use of force or the implied use of force. All barricaded subjects should be considered armed until proven otherwise.

4.4.2 OFFICER RESPONSIBILITIES

A. During any hostage/barricaded subject situation, the initial responding officer will immediately notify the supervisor on duty.

B. Upon notifying the supervisor on duty, the initial responding officer will attempt to limit any movement of the hostage taker/barricaded subject. Upon arrival, the supervisor will assume command.

4.4.3 SUPERVISOR RESPONSIBILITIES

A. The responding supervisor will determine the exact nature of the situation and notify the Watch Commander and Command Staff.

B. The supervisor will form an inner perimeter to surround the hostage taker/barricaded subject to prevent movement and to prevent unauthorized persons from entering the crisis area. The inner perimeter will be established to control the crisis area. The supervisor should attempt to make contact with the subject in order to determine their condition and to attempt to keep the subject calm. This contact should only be attempted if it can be done safely. The supervisor will request the subject to voluntarily come out and submit to custody. An arrest team consisting of at least one cover and one contact officer should be in place to receive the subject when the subject chooses to surrender. Once the arrest team is in position, the supervisor will ask the subject to voluntarily come out and submit to their custody.

C. The supervisor will establish a temporary Command Post. The supervisor will direct all activities from that location until relieved by the Incident Commander.

D. Upon arrival of the Emergency Response Team, the supervisor will reassign the Patrol Officers to establish an outer perimeter. The outer perimeter is designed to allow only law enforcement officials into the crisis area. No one should enter the area of the inner perimeter except the Emergency Response Team Officers, the Crisis Negotiators or others deemed necessary by the Incident Commander.

4.4.4 INCIDENT COMMANDER RESPONSIBILITIES

A. The supervisor on duty will be responsible for notifying the appropriate Patrol District Commander, Patrol Operations Bureau Commander, Investigative Division Commander, Police Attorney and the Chief of Police of the hostage/barricaded subject situation. The supervisor on duty will assume incident command responsibilities until relieved by a more highly qualified incident commander.

B. The Incident Commander will instruct the Communications Center to dispatch fire-medics and ambulances to a staging area to stand by until the hostage/barricade situation is resolved.

C. The Incident Commander will direct officers to the temporary Command Post where they will receive a briefing and instructions.

D. The Incident Commander will continually assess the incident as it evolves. Unless the incident involves an active shooter, or immediate threat to the safety or lives of others, a slow and deliberate approach to resolving the situation will be utilized. All efforts should be made to de-escalate the situation to ensure the safety of victims and officers who are involved.

E. The Incident Commander or designee will complete an after-action report detailing events that occur from the beginning to the conclusion of the hostage/barricaded subject situation. The after-action report will be forwarded to the chain of command for review.

4.4.5 PATROL DISTRICT COMMANDER RESPONSIBILITIES

A. The District Commander or designee will ensure that notification has been made to the Chief of Police, Patrol Operations Bureau Commander and Police Attorney and proceed to the Command Post location.

B. The District Commander will notify the Public Information Office to control news media access and new media press releases. The District Commander will consider the totality of the circumstances and decide to activate the Emergency Response Team (ERT). If ERT is needed, the District Commander or his designee will contact the ERT Commander who will activate the appropriate ERT and Crisis Negotiations Team (CNT) personnel.

4.4.6 EMERGENCY RESPONSE TEAM COMMANDER RESPONSIBILITIES

A. After receiving the request from the District Commander or his designee to activate the Emergency Response Team and Crisis Negotiations Team, the Team Commander or designee will immediately activate the ERT/CNT members.

B. The Emergency Response Team Commander will advise the Team members of any available information and the location of the staging area and/or Command Post.

C. The ERT commander will take direction from the Incident Commander and present the Incident Commander with tactical options for resolving the incident. All police-initiated actions on the objective will be approved by the Incident Commander.

4.4.7 EMERGENCY RESPONSE TEAM RESPONSIBILITIES

A. The Emergency Response Team will receive instructions and assignments from the Emergency Response Team Commander or designee and deploy accordingly.

B. In the event of a hostage situation, as defined previously, the priority of the Emergency Response Team will be the safety of the endangered persons.

C. For barricaded persons, the priority will be to establish containment security of the incident limiting subject movement. An arrest team will be deployed to make a quick and safe apprehension of the subject should they surrender and exit the structure

D. The Emergency Response Team will remove any injured persons or other victims from the area. If available, officers will use vehicles or other types of shielding during the removal of victims.

E. The Emergency Response Team will evacuate bystanders or other parties that may be within the hostage taker's/barricaded subject's field of fire. This will be accomplished as soon as possible to reduce the chance of injury.

F. The Emergency Response Team will have adequate vehicles available for chase or surveillance vehicles if the hostage/barricaded subject situation develops into a mobile situation that is not confined to a building or secured location that limits the movement of the hostage taker and hostages should a mobile situation develop, officers will be stationed along the route to block traffic and intersections and protect other citizens along the route. If the situation leaves our jurisdiction, the Emergency Response Team Commander will notify other law enforcement agencies. If known, officers will be stationed at the destination of the hostage taker/barricaded subject.

G. The Emergency Response Team will be responsible for the physical arrest arising out of a hostage/barricaded subject situation when possible. This includes any action that may require the use of force to accomplish the arrest if negotiations fail or there is a likely threat to the hostage(s). Authority for the use of chemical agents or deadly force will be followed as approved in the "Emergency Response Team" Operating Procedure and within established department guidelines. In the event the Emergency Response Team Commander is not present to command and supervise the team, the command and supervision of the team will be carried out by the ERT Lieutenants and/or Sergeants at the scene.

H. Upon any subject's arrest, the Emergency Response Team will conduct a thorough search of the location to ensure there are no other subjects, hostages or victims and the premises are safe for the entry of Forensic Technicians and Detectives.

4.4.8 CRITERIA FOR SELECTION OF CRISIS NEGOTIATORS

A. The position of a Crisis Negotiation Team member will be voluntary.

B. Members of the Negotiation Team will be officers that are carefully screened by the department. In selecting officers of the Negotiation Team, the command staff will consider the following areas:

1. Formal education
2. Police and related schools
3. Firearms scores
4. Past performance records
5. Attendance records
6. Special language skills
7. Current supervisor's recommendations
8. Minimum of two years experience in law enforcement (May be waived during an emergency or for special skills, languages, etc.)

4.4.9 CRISIS NEGOTIATION TEAM RESPONSIBILITIES

A. Upon notification of a hostage or barricaded subject situation, the Negotiation Team members will respond immediately to the temporary Command Post for briefing and assignment. The CNT Supervisor will coordinate a communication plan with the Incident Commander. A CNT liaison will be assigned to the Incident Commander to ensure timely and detailed information on CNT actions and any plan changes.

B. After receiving a briefing at the Command Post, the designated Crisis Negotiator will attempt to make contact with the hostage taker/barricaded subject. Contact with the hostage taker/barricaded subject will be done with the safety of the negotiator given the utmost consideration.

C. The designated negotiator will attempt to make contact with the subject or hostages through any of the following methods:

1. Telephone
2. Field phone
3. Radio
4. PA system or electronic hailer
5. Face to face (this method will be used last and only after other methods have failed)

D. The negotiator will then begin negotiations to obtain the release of the hostages or apprehension of the barricaded subject.

1. Certain items will be non-negotiable. This list will include firearms, ammunition, explosives and narcotics (except to treat an existing medical problem of a hostage).
2. Other items may be added to this list depending on the individual circumstances.

E. During the time of the negotiations, a second team member will monitor the negotiations and record all negotiations for possible use in court. The secondary member will also closely observe the negotiations to ensure the primary negotiator is kept informed of intelligence received concerning the subject(s) and hostage(s).

F. Prior to the surrender of the subject or the release of any hostages the Negotiation Team will notify the Emergency Response Team Commander. This is to ensure that all persons exiting a location will be secured for officer safety.

By Order Of: Harold E. Medlock
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **4.5**
	Subject **CRITICAL RESPONSE PLAN**	**Effective Date** 21 May 2024
	Revised 05-19-89, 09-08-93, 05-27-99, 02-25-02, 04-21-05, 08-31-07 (Pg. 4 SP), 06-01-07, 07-26-10, 12-23-10, 5-9-14, 8-23-16, 12-21-18	**Page** 1 of 10
	CALEA Standard 1.2.5, 2.1.4, 12.1.2, 17.3.1, 46.1.1, 46.1.2, 46.1.9, 46.2.1, 81.2.4, 81.2.5	

4.5.0 OBJECTIVE

To establish a plan for prompt, efficient and effective mobilization of the Fayetteville Police Department (FPD) personnel and equipment in response to a critical incident using the Incident Command System.

4.5.1 CRITICAL INCIDENTS

A. Critical incidents characterize situations, generally of an emergency nature that result from disasters both natural and man-made, civil disturbances, major crime scenes, officer involved shootings, or any emergency incident likely to generate significant public attention due to the public safety implications and the likeliness for intense public scrutiny. They may include the following: hurricanes, tornados, downed aircraft, train wrecks, fires, chemical spills, hazardous materials incidents, nuclear accidents, pandemics, evacuation procedures and routes, riots, unruly crowds, bomb threats, active shooter, and hostage or barricaded situations. All of these situations have the potential to disrupt city operations, cause property damage, and result in casualties. The FPD will utilize the Incident Command System (ICS) to allow for a systematic and well-organized response to any critical incident or event in the FPD's jurisdiction.

B. This procedural plan is presented as a broad outline and general guide for the response of the FPD to facilitate tactical decision making and contribute to the resolution of the critical incident. The FPD will respond to all critical incidents in a manner consistent with the plans listed below:

1. Fayetteville Police Department Critical Incident Plan as it describes the responsibilities of police personnel.
2. City of Fayetteville Code of Ordinances, Chapter 9, Emergency Management, City Emergency Operation Plan.
3. Emergency Operations Plan of Cumberland County when the critical incident is beyond the scope of the jurisdiction of the City of Fayetteville.
4. Operating Procedure 3.11 entitled Hazardous Material Incidents.

C. In the event that the critical incident stems from a situation at the Cumberland County Detention Center or Juvenile Facility, the FPD will render all possible assistance to the requesting agency. The Field Operations Bureau Major, District Commander, or Lieutenant will be the initial point of contact in these cases.

D. All rules of conduct, written directives and standard operating procedures will remain in effect unless countermanded by proper authority. Administrative notification through the chain of command to the Chief of Police should occur as soon as possible. The Critical Incident Plan will be used to prepare FPD personnel to:

1. Handle and control an incident and bring it to a safe conclusion.
2. Collect and analyze intelligence data related to the incident.
3. Provide for orderly and efficient assembly of manpower, supplies and equipment to expeditiously handle the incident.
4. Determine the needs for training and education of FPD personnel, to include techniques and procedures necessary to handle such incidents.
5. Provide coordination with other agencies, departments and organizations involved in these types of incidents.

4.5.2 EMERGENCY OPERATIONS OFFICER

A. Due to the complexity and magnitude of the planning, training and coordination necessary to manage and implement a current and effective critical incident plan, a lieutenant or above will be appointed as the Emergency Operations Officer (EOO). The EOO will serve as the principle advisor on critical incidents to the Incident Commander.

B. The EOO serves as a liaison to the City of Fayetteville Emergency Management Coordinator and coordinates the FPD's participation in the annual Cumberland County Mock Disaster Drill and any other joint training exercises that involve the FPD, including tabletop and actual exercises. The EOO is responsible for:

1. Maintaining up-to-date copies of Cumberland County's Emergency Operations Plan and Cumberland County Emergency Operations Resource Manual.
2. Conducting an annual review of the FPD's Critical Incident Plan.
3. Coordinating documented annual training on the FPD's Critical Incident Plan for all affected personnel.
4. Coordinating documented biennial training consisting of a tabletop or full-scale exercise to assess the agency's capabilities with the All Hazards Plan and the Incident Command System.
5. Maintaining a current list of personnel with civil defense agencies to aid in the coordination of the plan's content with all affected agencies.
6. Ensuring availability of current Mutual Aid Agreements that the FPD has entered into. The originals will be maintained on file with the Accreditation Manager and copies are located in the office of the police attorney.
7. The Emergency Operations Officer will keep a list or copies of the following services and plans at all times:

    a) Available municipal services
    b) Supplementary police services
    c) Special services
    d) Fuel sources

4.5.3 INCIDENT COMMAND SYSTEM

A. The Incident Command System (ICS) is a management system that facilitates organization, control, and effective use of personnel and resources of the FPD and outside agencies working toward a common goal of stabilizing an incident, protecting life, property, and the environment. The ICS permits a clear point of control and can be expanded or contracted to escalating or diminishing situations. ICS is not required for minor incidents handled solely by the FPD. Not all components of ICS need to be activated when the system is operational. Only those components that are needed in the situation should be used.

B. Methods of the Incident Command System

1. A single command should be used when the incident is clearly a law enforcement operation and there is no overlapping jurisdiction. <u>The most qualified ranking supervisor on the scene will be designated as the Incident Commander and have overall responsibility for the incident.</u>
2. A unified command system should be used when the incident is within a single jurisdiction and more than one agency shares management responsibility or when it is multi-jurisdictional in nature. A representative from each affected organization will be appointed to represent that agency's interest and contribute its resources for the purpose of incident stabilization and management.

C. System Activation Criteria

1. The ICS should be implemented for response to situations that require coordination and control of personnel and/or equipment beyond the scope of the first responder, including but not limited to, the following:

    a) Single jurisdiction/multi departments involved in the incident

b) Multi-jurisdiction incidents
c) Special events such as parades or other large gatherings
d) The incident command system should be considered for use in bank robberies, hostage/barricaded situations, homicides, or other minor or major incidents.

2. When an emergency situation or a major crime warrants increasing the number of responding personnel by calling out additional officers or components of the FPD.

3. The Incident Command System will be implemented in conjunction with Operating Procedure 4.6 entitled Special Event Planning, and Operating Procedure 3.11 entitled Hazardous Material Incidents.

4.5.4 COMPONENTS OF INCIDENT COMMAND

A. The Incident Commander is the person in charge at the incident and will be fully qualified to manage the incident. The IC sets objectives and priorities and has overall responsibility at the incident or event. The IC may be the responding officer to the scene and as an incident grows in size or becomes more complex, a more highly qualified Incident Commander may be assigned by the responsible jurisdiction or agency. Staff is assigned major functional authority for the other components of ICS. Initially, assigning tactical resources and overseeing operations will be under the direct supervision of the IC. As the incident grows, the IC may delegate authority for performance of certain activities by others as required.

B. A change in commander requires a full briefing for the incoming IC and notification to the Communications Center that a change in command is taking place.

C. Incident Commander Responsibilities

1. The IC will assume responsibility of the incident and is in charge of all personnel at the scene of any critical incident or event. If resources are going to be needed beyond those of the City, the IC may request activation of the City's Emergency Operation Center. The IC will:

a) Activate the ICS after evaluating and assessing the incident.
b) Establish a command post.
c) Be responsible for overall direction and deployment of police personnel necessary to restore order to include designating personnel to assume the duties of section chiefs for Operations, Logistics, Planning and Finance Section Chiefs, as needed.
d) Initiate the chain of command notification and mobilization of additional agency personnel.
e) Establish a staging area, if necessary.
f) Coordinate overall emergency activities.
g) Obtain support from other agencies, if necessary and coordinate FPD activities with outside agencies such as the SBI, FBI, State Highway Patrol and the Cumberland County Sheriff's Office as needed.
h) Ensure designation of a PIO to provide public information to sustain media relations.
i) Maintain the safety of all personnel.
j) Maintain command of the personnel responding to the critical incident, including the de-escalation period.
k) Prepare a documented after action report.

2. Personnel assigned to the following areas of the FPD will be prepared to assist the Command Section:

a) Internal Affairs Unit (IAU)
b) Police Attorney
c) Crime Information Center (CIC)

D. Operations Section Responsibilities

1. The Operations Section Chief is responsible for conducting tactical operations to carry out the plan, developing the tactical objectives, organizing and directing all resources. These responsibilities include:

    a) Establishing perimeters and ensuring that proper security measures have been taken to control the points of entry and exit.
    b) Conducting Evacuations - Should circumstances of an incident require the evacuation of persons from an area; officers will conduct such action with the safety of the citizens in mind. Consideration should be given to their personal needs and concerns if possible. All available city vehicles may be used for transporting persons during such evacuations.
    c) Maintaining command post and scene security.
    d) Providing for detainee transportation, processing, and confinement.
    e) Coordinating for traffic control.
    f) Direct handling of investigations, surveillance, missing persons, juveniles and follow-up investigations of crimes committed during or resulting from the occurrence.

2. Personnel assigned to the following areas of the FPD will be prepared to assist the Operations Section:

    a) Patrol Districts
    b) Patrol Support Unit
    c) Investigative Bureau

E. Planning Section Responsibilities

1. The Planning Section Chief is responsible for developing the action plan to accomplish the objectives, collecting and evaluating information and maintaining resource status. These responsibilities include:

    a) Preparing a documented incident action plan.
    b) Gathering and disseminating information and intelligence.
    c) Identifying anticipated equipment and manpower needs.
    d) Providing periodic predictions on incident potential.
    e) Maintaining the maps used during the critical incident to include:

        1. Posting manpower deployment sites.
        2. Posting locations of groups of people and their movements relative to the incident.
        3. Posting property damage sites relative to the incident.
        4. Ensure that all public facilities are noted on the maps for the affected area in order to address security issues.
        5. Planning post-incident demobilization.

2. Personnel assigned to the following areas of the FPD will be prepared to assist the Planning Section:

    a) Specialized Services Bureau
    b) Crime Information Center (CIC)

F. Logistics Section Responsibilities

The Logistics Section Chief is responsible for all of the services and support needs of an incident including obtaining and maintaining essential personnel, facilities, equipment and supplies. These responsibilities include:

1. Communications.
2. Securing vehicles for necessary transportation and keep a record of assignments and availability.
3. Coordinating medical support.
4. Coordinating for specialized team and equipment needs.

5. Coordinating for meals and similar services for personnel assigned to the incident as needed for the duration of the occurrence. Establishing and maintaining contact with the utilities companies for the repair or installation of telephone and electrical power lines.
6. Coordinating the removal of wrecked or disabled police vehicles to the Fleet Maintenance Department and take the steps necessary to provide the operations section with an adequate supply of motor vehicles.
7. Coordinating the process for receiving, recording and storing all recovered property and confiscated property (in cases of looting), until dispositions can be made.

8. Obtaining special equipment and emergency supplies to be requisitioned as needed from:

    a) Any department of the City of Fayetteville
    b) Emergency Operations Center of Cumberland County
    c) North Carolina National Guard
    d) North Carolina Department of Transportation
    e) Other state agencies
    f) Local resources

9. Equipment will be distributed to individuals and units based upon the assignments and duties resulting from the particular situation at hand. The issuing official will be responsible for ensuring that such distribution is properly recorded. Additionally, all equipment assigned to personnel and Divisions/Units will at a minimum, be inspected quarterly, to ensure operational readiness in the event of a critical incident.

10. Personnel assigned to the following areas of the FPD will be prepared to assist the Logistics Section:

    a) Specialized Services Bureau
    b) Crime Prevention Unit

G. Finance/Administration Section

1. The Finance Section Chief is responsible for on-site financial management to include: monitoring costs, procuring special equipment, contracting with vendors, and making cost estimates of alternative strategies. These responsibilities include:

    a) Maintaining a duty log of personnel assigned to the critical incident operation or incident for the duration of the emergency.
    b) Recording personnel time.
    c) Establish the twelve-hour shift schedule to utilize manpower in the most effective manner, if needed.
    d) Procuring additional resources.
    e) Recording expenses.
    f) Documenting injuries and liability issues.

2. Personnel assigned to the following areas of the FPD will be prepared to assist the Finance Section:

    a) Specialized Services Bureau
    b) Crime Prevention Unit

4.5.5 ALERT LEVELS

Following the initial response and containment of the situation, the IC will determine if an alert three, two or one is needed. The IC will keep the Chief of Police or senior ranking officer informed of the FPD's response at all times. Obtaining support from other agencies is authorized for any alert level when another agency is needed to assist. The alert levels are as follows:

A. Alert Three - An alert three is a re-distribution of on-duty personnel. The IC (Lieutenant or above) may implement an alert three and will make the necessary re-distribution of on-duty personnel. FPD personnel assigned to other Divisions/Units will assist the Patrol Districts as needed.

B. Alert Two - An alert two is partial mobilization of off-duty personnel accomplished by calling part of the next scheduled shift to duty early and holding part of the current shift beyond their regular duty hours. The IC (Captain or above) may declare an alert two and will notify the Patrol Operations Bureau Commander. Employees assigned to the other Divisions/Units will assist the Patrol Districts as needed.

C. Alert One - Alert One is a total mobilization of the FPD's resources on a twelve-hour shift basis. All holiday, days-off and vacation leave are automatically cancelled for the duration of the alert one.

1. The IC (Chief of Police or his designee) will determine if an alert one is necessary.
2. All FPD personnel not part of the active situation will remain clear of the location of the incident or report to the command post for assignment. Those personnel not actively involved in the situation will be ordered to leave.
3. The Everbridge notification system will be utilized to notify department personnel that an alert one has been activated.

D. Notification and Assembly

All personnel will be notified either by telephone or other means through the chain of command of the declaration of the alert one mobilization. Notification will include the time and place to report and the appropriate uniform. The primary assembly point during all alert one situations will be the Patrol assembly room at the Police Administration Building, unless otherwise specified by the IC or his designee. The IC will designate and establish a Staging Area for responding personnel near the area of the incident but away from the Command Post. All personnel will check-in upon arrival and be given specific assignments by the Staging Area Manager.

E. State of Emergency

1. The Mayor, with the approval of the City Council, may declare a state of emergency under authority of City Ordinance Chapter 9.

2. In the event of an existing or threatened state of emergency endangering the lives, safety, health, or welfare of the people within the City or threatening damage to or destruction of property, the Mayor of the City of Fayetteville is authorized and empowered to issue a public proclamation of such a state of emergency, in order to more effectively protect the lives, safety and property of the citizens and to define and impose a curfew applicable to all persons within the jurisdiction of the City of Fayetteville. The proclamation may impose the following restrictions:

   a) A curfew prohibiting in certain areas and during certain periods the appearance in public of anyone who is not a member of an exempted designation.
   b) Restrictions on possession, consumption or transfer of alcoholic beverages.
   c) Restriction on possession, transportation and transfer of dangerous weapons and substances.
   d) Restrictions on access to general or specified areas.

F. Military Support

1. In the event martial law is declared, the IC or his designee will maintain a liaison with the military commander to ensure coordination and cooperation between police and military personnel involved in the response to the critical incident.
2. Requests for assistance from the National Guard are to be made through the Cumberland County Emergency Management Office. Such requests will be made only with the approval of the Chief of Police or designee. Military support will be requested from the National Guard when necessary to:

a) Augment local police forces for traffic control, evacuation and stabilization.
b) Establish martial law.
c) Provide emergency communications.
d) Provide special equipment.
e) Provide additional security.

4.5.6 RESPONSE PROCEDURES

The initial steps taken at the site of any critical incident will be to safeguard lives and property, secure the scene and restore and maintain order. The response of the first officer and the first supervisor on the scene may include but not be limited to the responsibilities discussed in this plan and procedure. These responsibilities will not apply in all cases. The ICS will go into effect immediately after the first officer on the scene assesses the scale and scope of the situation and determines that an incident meets the activation criteria for ICS.

A. Responsibilities of the First Police Officer on the Scene

Assume command of the situation, secure and contain the scene if possible until relieved. Notify the Communications Center of the following:

1. Location of the incident.
2. Nature of the incident.
3. Type and amount of assistance needed.
4. Continue with IC protocol until relieved of IC duties.
5. Inform a supervisor of the incident and request their assistance at the scene.

B. Responsibilities of the First Supervisor on the Scene

The first supervisor on the scene will:

1. Assume incident command of all police activities at the scene.
2. Verify the initial officer's assessment of the situation and either confirm or revise the request for support units.
3. Coordinate with the on-duty Lieutenant for an Everbridge notification to ensure the chain of command is notified.
4. Designate a specific radio channel for the exclusive use of the units involved in the occurrence.
5. Establish a temporary command post and inform the Communications Center of its location. A police vehicle may serve as the temporary command post in accordance with the ICS.
6. Establish an emergency response route to the scene.
7. Designate a staging area for personnel and equipment.
8. Complete the containment of the affected area as much as possible to ensure the security of persons and property in the area.
9. Re-assign all units not responding to the critical incident area to existing calls for service throughout the city.
10. Inform relief officers and command personnel of all developments in the occurrence.
11. Continue with IC protocol until relieved of IC duties.

C. Responsibilities of the Emergency Response Team

The Emergency Response Team will operate under the supervision of the Emergency Response Team Commander in coordination with the Operations Section Chief. Any other special task force deemed necessary for the occurrence will operate under the direction of the Operations Chief or his designee.

D. Responsibilities of the Communications Center

1. Communications personnel will:

a) Dispatch support units as requested by the officer at the scene.

b) Assign a dispatcher to the channel designated for the Incident.
c) Inform units that radio communication from individual officers should be for emergency situations only. If necessary, supervisors may use the radio to communicate with individual squads.
d) Upon request by the FPD, contact the City Emergency Management Officer and request activation of the County EOC procedures. This will ensure that EMS can prepare to staff an adequate amount of vehicles and personnel to respond to the incident.

4.5.7 ARREST PROCEDURES

A. During critical incidents arrests may need to be made and must be handled quickly and efficiently. The Operations Section Chief will designate a person to establish arrest teams to handle prisoners and provide for detainee transportation, processing, and confinement to include:

1. Maintaining an arrest log.
2. Coordinating, if necessary, booking procedures in the field and the photographing of prisoners and arresting officers.
3. Arranging for the detention of prisoners until they can be transported to the county jail.

B. Two officers in each squad will be designated as arresting officers. Arrest team duties include:

1. Transport arrested persons from the location of the disturbance to a point designated for initial booking.

    a) Arrested persons will be allowed the opportunity to contact legal counsel at the end of the processing.
    b) Arrested persons who are injured or otherwise in need of care will be provided medical treatment prior to any processing.

2. Photograph the arrested person with the arresting officer with a camera. Record the arrest and identification information on a copy of the photograph. Video cameras may also be used for identification purposes.
3. Transport prisoners to the Cumberland County Detention Center, where formal charging and processing will take place.
4. Complete reports and appear in court.
5. Prisoner needs such as food, water and sanitation will be handled by the Cumberland County Detention Center.
6. If further investigation with a subject is pursued prior to arrestee processing, investigators will provide suspect(s) with the means to communicate with counsel through telephone or visitation in compliance with constitutional requirements.
7. The FPD will provide for transportation, release, and ensure arrestee rights are protected.
8. Juveniles involved in arrests will be treated as follows:

    a) Segregated from adult offenders.
    b) Processed through regular juvenile and by regular juvenile methods, i.e. release to parents or guardians, or arrange for intake if the juvenile meets the criteria.

4.5.8 DE-ESCALATION PROCEDURES

A. The de-escalation period will occur when the situation is deemed to be under control and the conditions are returning to normal. During the de-escalation period officers will be systematically relieved from their duty assignments in regard to the occurrence. Officers will follow the deactivation plan set by the IC.

B. Natural/Man-made Disasters

The following actions will be taken to de-escalate adverse conditions that may have resulted from the disaster itself or the ensuing response and control by public safety agencies:

1. Identify areas still affected by the disaster.
2. Establish priorities for restoration of services.
3. Coordinate restoration activities with the FPD and other mutual aid agencies.
4. Provide continued security to designated areas.
5. Disengage officers as appropriate.
6. On-duty officers will return to normal duties.
7. Officers called back or held over for duty will be relieved.
8. All special equipment issued will be accounted for.
9. The command post will be discontinued.

C. Civil Disorders

Once the disturbance is under control, the designated IC will coordinate the above procedures with the Section Chiefs and ensure that the following procedures are also carried out:

1. All available evidence is collected.
2. All FPD equipment is accounted for or collected.

D. Post Incident Duties

Following the de-escalation of the FPD's response, the following post incident duties will be required for an additional time period if applicable to the type of critical incident experienced:

1. Continuation of security and additional patrol in affected areas
2. Maintaining traffic checkpoints
3. Periodic news media briefings see Written Directive 3.05 entitled: Media Policy and the OIS Manual
4. The Chief of Police or his designee in collaboration with the Police Attorney and PIO should disseminate to all sworn personnel a detailed account of information that can be released to the public. This information should concentrate on accuracy and transparency in regards to fully explaining the actions of the police to the fullest extent allowable under the law. All FPD officers will be tasked with engaging in informal conversations with concerned community members to explain in general terms what occurred in the critical incident. This includes but is not limited to, knocking on doors after an incident is over to talk with residents of the area, inviting residents to a special community meeting to explain the latest neighborhood incident, and talking to those community members that have gathered around the incident.
5. Post Incident Duties will be an ongoing mission with the ultimate goal of community restoration and achieving the highest level of trust and legitimacy with the public. Officers will continue to service the neighborhood after a critical incident until it is clear that the restoration has been completed. The focus is that this may take a significant amount of time and effort. The sector lieutenant and district commander responsible for the area where the critical incident occurred will have primary responsibility in regards to facilitating the community restoration effort.
6. Crime Prevention Specialists will be tasked with assisting sworn personnel with community restoration efforts after the critical incident is concluded.
7. Efforts will be made to reach out to community volunteers such as faith-based organizations, nonprofit group leaders, individuals from underrepresented and minority communities, educational leaders, and other leaders that may and are willing to provide assistance toward community restoration efforts in collaboration with the Fayetteville Police Department. Each district should establish and maintain a list of community members with contact information that are willing to assist the department with community communication and to act as a liaison between the department and the public during restoration efforts. These community members will be asked to engage in informal communication and also to assist with conducting special community meetings as directed by department personnel.
8. Local leaders and community based leaders need to be provided a unified message and encouraged to embrace a message that promotes peace and a willingness to allow the investigative process to take place. While some may have questions or perceptions of the situation that vary from each other at the onset, it is extremely important that the department work with these leaders

to develop a unified message that can be supported by all. This may include arranging meetings or engaging in face to face communication to facilitate this message.

9. The application of deadly force by a Fayetteville Police Officer will be placed on the agenda for discussion at the community advisory board meeting. Information shared and discussed at this meeting is limited to information that is available for public dissemination. The community advisory board will not have access to administrative or criminal investigative materials unless it can be released publically. This includes information contained within an officer' personnel file.
10. The police department shall be transparent by explaining relative policies, procedures, and applicable laws to the public in a timely fashion. This includes explaining the criminal and administrative investigative process in as much detail as allowable under the law.

4.5.9 AFTER ACTION REPORTS

A. The IC or their designee will coordinate for a Post Incident Review and After Action Report detailing all information relative to the incident. The report should include evaluative information for each ICS component that was established.

B. The EOO is responsible for ensuring the coordination of the Post Incident Review if outside agencies are involved. The EOO is responsible for obtaining a copy of an After Action Report when it is prepared by an outside agency.

C. Post Incident Review / After Action Report

A post-incident review may be required depending on the nature and seriousness of the incident. A post incident review will be required for any response to a natural/man-made disaster, all Civil Disorders, and officer involved application of deadly force incidents. Post Incident Reviews require the following actions:

1. A meeting will be convened within two weeks of the incident. The Patrol Operations Bureau Commander will coordinate the logistics of the meeting.
2. All involved FPD commanders and supervisors will attend.
3. Selected personnel from other involved agencies will be requested to attend.
4. Involved personnel may be requested to attend.
5. Minutes of the meeting will be recorded and a documented after action report will be completed. The report will be shared with the leadership of all affected agencies.
6. The identification of training needs and problem/positive areas encountered will be documented and assigned to the Training and Education Unit for follow up and training documentation.

By Order Of: Kemberle Braden, Chief of Police
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **4.6**
	Subject **PASSIVE PROTESTS AND PEACEFUL DEMONSTRATIONS PLANNING**	**Effective Date** 01 July 2025
	Revised 04-13-88, 05-24-93, 10-08-93, 01-24-96, 02-25-02, 07-11-08, 07-28-09, 12-11-14	**Page** 1 of 6
	CALEA Standard N/A	

4.6.0 OBJECTIVE

To establish guidelines for employees with the Fayetteville Police Department (FPD) during planning, staffing and enforcement activities for Passive Protests and Peaceful Demonstrations.

4.6.1 POLICY

It is the intent of the FPD to maintain peace and order during Passive Protests and Peaceful Demonstrations. FPD officers will enforce criminal law(s) and civil ordinances when appropriate and will not act, or fail to act, in any manner that favors, or could be perceived as favoritism, towards the event organizers, protestors, counter-protestors or the business/organization that is the object of the protest or peaceful demonstration. Officers will balance the event participants' First Amendment Rights with the rights of property owners and members of the general public, as well as ensuring the general public has access to businesses, public roadways and public sidewalks.

4.6.2 DEFINITION

A. VIP protection may be included in the event plan when notified of the presence of visiting dignitary or elected official.

B. *Picket, pickets, picketing*, *passive protest and peaceful demonstration* means to make a public display or demonstration of sentiment for or against a person or cause, including protesting which may include the distribution of leaflets or handbills, the display of signs and any oral communication or speech, which may involve an effort to persuade or influence, including all expressive and symbolic conduct, whether active or passive, upon those portions of the public ways not used primarily for vehicular parking and moving traffic and not constituting a parade.

C. First Amendment Activity: constitutionally protected speech or association, or conduct related to freedom of speech, the free exercise of religion, freedom of the press, the right to assemble, and the right to petition the government. A First Amendment Activity includes but is not limited to the preparation, planning and discourse conducted before, during and after a particular occurrence or continuous activity such as a demonstration or a protest.

4.6.3 COMMAND AND COORDINATION

A. Depending on the size of the passive protest and/or peaceful demonstration, an Assistant Chief, Major, Captain, Lieutenant or Sergeant will be assigned as the Incident Commander.

B. The Incident Commander is responsible for planning and coordinating staffing from other Divisions/Units of the Department for the passive protest and/or peaceful demonstrations staffing needs, unless otherwise directed by the Chief of Police or their designee. The Incident Commander's responsibilities may be assigned to a higher-ranking position by the Chief of Police based upon the size and nature of the event.

C. The Incident Commander will be responsible for coordinating operations between agencies and attending event planning meetings.

4.6.4 OPERATION PLAN

A. An Operation Plan may be prepared for each Notice to Pickett application received by the department. The operation plan will be approved by the Chief of Police or designee and will include the following information:

1. A copy of the Notice to Picket form.
2. The date and time of the event.
3. The location of the event or the proposed route.
4. A brief description of the event.
5. An estimate of anticipated crowds.
6. Possible crimes that may be associated with this event.
7. The suggested number of police personnel that will be required for the security and control of the event.
8. Any request for additional or special equipment.
9. A list of the coordination accomplished to date.
10. An estimated cost to the department.
11. The designated incident commander.
12. Specific duties or assignments if available.
13. Alternative route for Emergency Vehicles (Police, Fire, Ambulance, etc.), with information being furnished to the Communications Department.
14. The designated radio channel for communications for this event.

B. Provisions will be made for identifying those persons working directly with the event to assist them in crossing police lines. This includes promoters of the event, vendors, and press personnel.

C. The time, location, and anticipated attendance will be determined or estimated by Incident Commander. They will be responsible for identifying the number of personnel needed to manage the event.

D. The perimeter streets during the event will be used to maximum advantage by eliminating or increasing parking space, making temporary one-way streets, and assigning officers to intersections for control and the efficient movement of pedestrian and vehicular traffic.

E. The Incident Commander will ensure adequate publicity for any changes or alterations in street utilization, parking availability, public transportation services, and the location of the event or parade route.

F. The Incident Commander will complete a documented after-action review in a form of a memorandum to the Chief of Police. Based on the size and nature of the event, this review may include other event supervisors and commanders to assess the strengths, weaknesses, opportunities and challenges that were experienced during the event.

G. In the event a Notice to Picket has not been completed and information concerning a possible spontaneous or unauthorized Passive Protest and/or Peaceful Demonstration is obtained, the IC will evaluate whether in the interest of justice the event will be allowed to continue.

4.6.5 EVENT STAFFING AND RESPONSIBILITIES

A. Personnel assigned to work the event will be responsible for providing uniformed coverage at assigned locations as identified in the Operation Plan. Officers identified to work the event in plain clothes will be provided with a plainclothes assignment.

B. The primary tasks include; facilitating safety, assisting with lost, missing children and families, assisting and directing injured subjects to the medic staging area if one is available, support event organizers with disruptive attendees when applicable, and assisting both the motoring and walking public to safely enter and exit the venue.

C. Emergency Medical Service personnel will be staged in the event footprint when applicable, or will have ready access to the event, including Fire and EMS services. Police officers will augment this by the use of their police vehicles during an emergency.

D. The Incident Commander will identify the number of officers needed for crowd control

E. Consistent with the scheduled or anticipated duration of the need for traffic direction and control services, provisions will be made for adequate breaks for department personnel providing those services.

F. Any orders given to individuals involved in large scale events, protests (peaceful or otherwise) shall be captured on video and audio recordings when possible. All attempts should be made to video and audio tape any arrest of event participants when applicable, practical and possible.

4.6.6 PICKETS AND PROTESTS

A. The organizer of a Passive Protest or Peaceful Demonstration who knows, or should reasonably know the event will consist of, or potentially attract, a group of ten (10) or more individuals shall give written notice of their intent to picket to the Chief of Police, or their designee, a minimum of forty-eight (48) hours prior to the event. All written notification of intent to picket must contain the prescribed information as outlined in the City of Fayetteville's Code of Ordinances Article VIII – Parades, Motorcades, Special Events and Demonstrations – Sec. 24-285, Notice of Intent to Picket.

B. Upon completion of the Notice of Intent to Picket, the Chief of Police, or their designee will issue the applicant a receipt of notice. The organizer of the event will be responsible for maintaining the receipt and shall present the receipt when so requested by any member of law enforcement or other city official.

C. In the event a Notice of Intent to Picket has not been completed, the Chief of Police or their designee will make the determination whether to stop an event or allow it to continue. Factors such as available resources, number and actions of event participants and the overall impact on the public's safety will be considered when making the decision to allow an unregistered picket/protest to continue.

4.6.7 PROTECTION OF FIRST AMEDNMENT RIGHTS

A. Every employee should perform their duties while conforming to the guarantees of the United States and North Carolina Constitutions.

B. FPD officers will recognize that the First Amendment of the United States Constitution promotes, encourages and protects the right of free speech and the right of persons and groups to assemble peacefully. In addition, the Fourth Amendment protects individuals from unreasonable governmental intrusion into their person, houses, papers and effects.

C. Whether demonstrating, protesting, counter protesting, or showing support for a cause, individuals and groups have the Constitutional right to peacefully gather and express themselves without interference from law enforcement as to the content of their message. At the same time, it is also the role of FPD to maintain law and order during a First Amendment Activity and to investigate the potential for criminal behavior that might occur before, during or after such activities.

4.6.8 RESPONSE TO FIRST AMENDMENT ACTIVITIES

A. FPD employees shall not prevent or hinder any person from lawfully participating in First Amendment Activities.

B. FPD employees will not encourage, suggest or participate in any civil disturbance, civil disobedience or violation of any criminal law.

C. FPD employees shall not question witnesses, event participants or arrestees regarding their social, political, or religious views. All questions will be limited to issues related to criminal conduct or to developing information related to a legitimate law enforcement objective.

D. Officers shall not take, confiscate or seize a participant or spectator's camera, cell phone or other electronic recording device simply because they are recording police activity. A camera, cell phone, or other electronic recording device will not be seized unless officers have obtained a search warrant or there is an exception to the search warrant requirement.

E. Officers shall not take, confiscate or seize a participant or spectator's journal, writing, or other personal documents unless they have obtained a search warrant or there is an exception to the search warrant requirement.

4.6.9 ENFORCEMENT

A. Although it is recognized that the job of every FPD officer is to enforce criminal laws and civil ordinances; limited resources, crowd size and tactical concerns may warrant an atmosphere of tolerance when officers witness non-violent and non-destructive activity, and can be paramount in ensuring peace and order are maintained.

B. Officers are encouraged to use good judgment during these types of events when choosing to conduct enforcement activities.

C. Officers should contact any available supervisor or the I.C. prior to making any isolated decision regarding the arrest of individuals for non-violent or non-destructive activity, unless otherwise directed by the Chief of Police or their designee.

D. Obstruction of Traffic

1. Event participants standing in a public roadway and who are blocking traffic shall be given a lawful order to move out of the roadway under the officer's authority to direct or regulate traffic under N.C.G.S. 20-114.1(b) – Willful Failure to Obey Law Enforcement or Traffic Control Officer. Arrests may be made under this statute if participants refuse to move out of the roadway.

2. Officers should advise persons on the scene not to walk in front of vehicles entering and exiting the parking lot of a business. The potential for confrontation between the various interests of those involved and the danger of pedestrians being struck by a vehicle are additional concerns for law enforcement officers.

E. Trespassing

1. Protestors standing on private property must be verbally advised by a company representative that they are not allowed on the private property and given a reasonable amount of time to leave before any enforcement action is taken.

2. In addition, an officer shall provide a verbal warning to violators that they are going to be arrested for first degree trespassing if they are wrongfully in a building or enclosed area, and for second degree trespassing if they are outside and not on a public sidewalk prior to taking enforcement action(s).

F. Additional Relevant Ordinances and Statutes

1. City of Fayetteville Code of Ordinances

   a) Noise Ordinance (Sec. 17-11 through 17-18)
   b) Picketing; Standards of Conduct (Sec. 24-282)
   c) Interference with Pickets/Police Authority to Disperse (Sec. 24-283)
   d) Prohibition of firearms (Sec. 24-284)

2. North Carolina General Statutes

   a) Weapons at Parades and Picket Lines – N.C.G.S. 14-277.2
   b) Failure to Disperse – N.C.G.S. 14-288.5
   c) Obstruction of Healthcare Facilities – N.C.G.S. 14-277.4
   d) Riot (Inciting) – N.C.G.S. 14-288.2
   e) Disorderly Conduct – N.C.G.S. 14-288.4
   f) Concealed Carry – N.C.G.S. 14-415.11

4.6.10 VIP PROTECTION

A. The Technical Services Division Commander will identify the commander or supervisors who will be responsible for the VIP protection plan and operation as the VIP Coordinator.

B. The VIP Coordinator will be the liaison between the Fayetteville Police Department and other agencies that may be involved in the protection of the VIP unless designated otherwise by the Chief of Police.

C. The VIP Coordinator will attempt to identify any local or visiting dignitary that may be planning to attend a Special Event. The Commander will include in the Operational Plan adequate personnel to be assigned as a VIP protection unit.

D. If the VIP Coordinator has determined that a VIP is scheduled to arrive in the City of Fayetteville, they will utilize the following methods to ensure the safety of the VIP during the visit or appearance.

1. Plan and reconnoiter the routes the VIP will travel while in the City of Fayetteville.
2. Request personnel from District Commanders to assist with inspecting the sites and facilities prior to the arrival of the VIP if needed.
3. Request from the Command Information Center Supervisor any intelligence information that is relevant to the VIP's visit.
4. Request the Emergency Response Team to handle VIP protection duties based upon actual or possible threats to the VIP if necessary.
5. Obtain additional body armor for the visiting VIP and staff if required.
6. Designate radio channel for the duration of the VIP protection assignment.
7. Provide for a uniform type of identification for officers assigned to VIP protection in plain clothes that may include, but is not limited to:

   a) Lapel Pins
   b) Badges
   c) Identification Cards
   d) Other forms of I.D. as specified

8. Based upon the possible or likely threat to the visiting VIP, local hospital emergency rooms will be alerted and if possible, maintain ambulance and medical personnel as close to the site as possible.

4.6.11 REFERENCES

N.C.G.S. 15A-401(b)	Warrantless Arrests
O.P. 4.5	Critical Response Plan
O.P. 4.7	Special Operations
O.P. 4.8	Civil Emergency Unit
W.D. 2.2	Secondary Employment / Special Events
WD 5.4	Uniform and Appearance Standard
City Code of Ordinances	Article VIII – Parades, Motorcades, Special Events and Demonstrations Sec. 24-271 through 24-285

By Order Of: Christopher T. Joyce, Interim Chief of Police
Digitally Signed

4.7.0 OBJECTIVE

To establish guidelines for special operations that are aimed at reducing crime in a targeted location based upon citizen concerns, officer observations, and/or crime analysis data.

4.7.1 PURPOSE AND TYPE OF OPERATIONS

A. Special operations are **pre-planned** enforcement activities aimed at reducing targeted criminal activity that require a level of manpower and/or equipment beyond the normal level of daily enforcement. This policy is not intended to restrict officers/detectives from taking immediate law enforcement actions when the opportunity arises. Special operations will be planned and implemented with the objective of charging individuals who violate the law in accordance with the department's policy on biased based policing.

B. **Biased Based Profiling** is the selection of individuals for investigative, detention, or arrest purposes based solely on a trait common to a group. This includes, but is not limited to, race, ethnic background, gender, sexual orientation, economic status, age, cultural or any other identifiable group.

Special operations may include but are not limited to:

1. Prostitution operations
2. Narcotic package deliveries
3. Stolen property operations
4. Hand-to-hand buys
5. Search warrant executions
6. Weapons transactions
7. Controlled purchases of trafficking amounts of narcotics
8. Decoy Operations
9. Narcotic Reversals

C. The Violent Crimes Task Force (VCTF) will be notified about any operation involving a weapons transaction, and if necessary, they will coordinate with the Federal Bureau of Alcohol, Tobacco & Firearms (ATF).

4.7.2 SPECIAL OPERATIONS PLAN – POL-715

The Special Operations Plan (POL-715) format will be completed prior to a special operation and will include any information and details significant and specific to the special operation. Some suggested details include, but are not limited to:

1. Safety Issues
2. Verbal/Visual Signals
3. Assignments
4. Dedicated Radio Channel(s)
5. Vehicle assignments
6. Audio & Video Surveillance
7. Technical Surveillance Equipment Use
8. Targeted suspect(s) and targeted location(s)
9. Suspect criminal history and history of violence
10. Briefing location, date and time
11. Training needs
12. Tire Deflation Devices (TDD) will only be used for stationary preventive measures.

4.7.3 USE OF TIRE DEFLATION DEVICES

A. The Special Operations Plan (POL-715) must be completed and submitted to the Division Commander or his/her designee before any special operation can be initiated. The field supervisor will monitor, assess and evaluate the totality of the circumstance involved in the deployment of TDD's. Prior to using TDD's, officers must have completed training in the use of the devices. Tire Deflations Devices may be used as a pursuit prevention measure for stationary vehicles only, tire deflation devices may be used for the following purpose:

1. Control at traffic/DWI checkpoints
2. Suspect surveillance
3. Buy/Bust drug operations
4. Warrant Service
5. Mental Suspects/ Barricaded Suspects
6. Other situations where movement of a vehicle must be prevented
7. The use of TDD's is prohibited during the course of a vehicle pursuit.

B. Post TDD Deployment Guidelines:

Supervisors are responsible for documenting the use of TDD's in their After-Action Report and forward the AAR through the chain of command. The report should include the following information: date, time and location of deployment: reason for deployment; damage to vehicles and / or TDD; and the name of supervisor authorizing use of the TDD. The Division Commander will review each incident and forward the report to the Bureau Assistant Chief for final review.

4.7.4 AUTHORIZATION TO CONDUCT OPERATIONS

Special Operation Plans will be reviewed, approved and signed prior to the execution of the special operation by a Division Commander or designee. Special operations will not be executed without the review and approval of a supervisor. Special Operation Plans will be maintained in the case officer's/detective's file and a copy will be maintained by the Division Commander or designee. When appropriate, the unit supervisor will notify other agencies that may be affected by the operation, including but not limited to the:

1. District Attorney's Office
2. Cumberland County Sheriff's Office
3. Chief Magistrate and/or their designee(s)
4. Federal agencies

4.7.5 COORDINATION BETWEEN UNITS / DIVISIONS

Safety of officers is paramount in every special operation. Coordination between Units/Divisions is necessary to ensure that special operations do not overlap enforcement activities, and that conflicts do not arise. The frequency of special operations should be taken into consideration to provide for maximum effectiveness in reducing the criminal activity in a particular area.

4.7.6 TRAINING

A. Unit commanders are responsible for coordinating and documenting the appropriate training prior to the operation, to include but not limited to the common techniques and procedures used during special operations.

B. Prior to conducting the special operation, all officers involved will receive the appropriate training related to the type of operation being conducted, to include but not limited to:

1. Officer safety.

2. Applicable laws, procedures and policies, to include but not limited to aspects of entrapment and other legal and operational elements.
3. Street language that might be encountered and used.
4. Proper attire for the location and activity.
5. Video and audio surveillance equipment.
6. Use of back-up officers and signals.

C. Female officers and all supervisors must complete a block of training prepared by the Training Lieutenant and Police Attorney on prostitution operations prior to participating or conducting a prostitution operation.

4.7.7 BRIEFINGS

All personnel involved in a special operation will attend the briefing detailing the Special Operation Plan. If appropriate, any diagrams, handouts, photos of suspects, and/or video footage, will be reviewed and disseminated at the briefing. All personnel involved in the operation will be listed on the assignment section of the Special Operation Plan.

4.7.8 DOCUMENTATION

The following documentation will be completed for each operation and submitted for review by the case supervisor or completed for the appropriate felony folder review:

1. Any training conducted (noted on the operations plan)
2. Incident Reports
3. Supplemental Reports/Follow-ups
4. Citations
5. Arrest Sheets
6. Evidence forms
7. Other relevant documentation as applicable

4.7.9 AFTER ACTION REPORT

A. An After-Action Report will be completed by the case agent and reviewed and signed by the supervisor in charge. After Action Reports are mandatory for all special operations. The After-Action Report is intended to identify ways to improve upon future operations, identify what worked well, and to note any deficiencies that may have had a negative impact on the operations.

The report will include but is not limited to:

1. Number and type of charges
2. Any injuries officer or suspect
3. Any property damage
4. Any unusual charges stemming from the operation
5. Narcotics seized
6. Weapons seized
7. Currency seized
8. Photos if taken, and how many
9. Notifications made
10. Recommendations for improvement/change(s)

B. Review of the After-Action Report will be completed at the Division level. The original report will be maintained by the case agent. A copy of the After-Action Report will be maintained by the Division Commander, or designee with the Special Operations Plan. Upon request, the After-Action Report will be forwarded through the chain of command to the Police Attorney.

4.7.10 RELATED POLICIES

All officers and supervisors involved in special operations will review and become familiar with the policies and procedures that impact the overall conduct of the operation. Listed below are policies that provide specific guidelines with regard to particular types of operations that may be conducted:

1. Operating Procedure entitled Narcotics Unit
2. Operating Procedure entitled Confidential Funds and Use of Informants
3. **The Narcotics Unit Lieutenant will control and distribute all confidential funds for all units and divisions.**
4. **Master informant files will be maintained and secured in NVSU.**

4.7.11 REFERENCES

WD 1.8	Preventing Biased Policing and the Perception of Biased
WD 3.5	Policing Media Policy
OP 4.2	Search Warrant Execution
OP 4.3	Surveillance

By Order Of: Harold E. Medlock
Digitally Signed

4.8.1 OBJECTIVE

The mission of the Fayetteville Police Department (FPD) Civil Emergency Unit (CEU) is to protect Lives and property by maintaining community order during incidents of civil unrest through a contingency that utilizes specially trained and equipped personnel. The CEU can respond to civil disorders, natural disasters, search for at risk missing persons, major transportation accidents, or any catastrophic event which cannot be handled by the normal number of on duty officers.

4.8.2 POLICY

A. It is the policy of the CEU to preserve the public peace, prevent crime, arrest offenders when necessary, and protect the rights of persons and property in the community during civil disorder. It is also the policy of the CEU to respect a citizen's right to peaceably assemble and exercise free speech as provided by law. In addition, it is the responsibility of the CEU to train, equip, and supervise the appropriate number of officers in order to respond effectively.

B. The Fayetteville Police Department (FPD) acknowledges the protection and reverence for human life should be paramount in every officer's mind. Although we are often called upon to make split second decisions regarding life or death situations, it will be the intent of our officers to use only the amount of force which is reasonably necessary. Unreasonable or unjustifiable force can result in an overall degradation in public trust. The sanctity for human life must be foremost in the minds of every member of this department and every opportunity to avoid using force, when feasible, should be considered.

C. As always, officers should strive to de-escalate the offender's resistance at all points, before, during, and after an event. Officers will tailor their use of force, in accordance with N.C.G.S. 15A-401, Graham vs. Connor, any other applicable case law, experience, and/or current training. As the offender escalates or de-escalates their unlawful resistance, the officer will increase or decrease his/her use of force to overcome it. The level of force used must be such that it is "objectively reasonable" and necessary, meaning that the officer involved would believe the force used is necessary and that the reasonable officer standard would judge that belief as reasonable. Crucial to this ability is the officer's understanding of force options, immediacy of the threat, and the reasonableness of the force option(s) based upon those perceptions. That may mean having to use multiple force options until the resistance has stopped, and the subject has been controlled.

4.8.3 DEFINITIONS

A. Affected Area - The area where a riot or other civil disorder is occurring.

B. Anticipated Incident - An event that is predicted to occur, which is likely to cause or be accompanied by civil disorder, and for which there is adequate time for the department to prepare and respond; e.g., controversial court decisions, planned demonstrations, sporting events, and celebrations.

C. Civil Disorder - Widespread random violence and destruction occurring during a riot.

D. Command Center (CC) - The center from which the FPD's response to civil disorder will be managed. The CC will be responsible for making policy-type decisions.

E. Deadly Force - Any use of force likely to cause death or serious physical injury. Force which is not likely to cause death or serious physical injury, but unexpectedly results in death or serious injury will not be considered deadly force.

F. Disorderly Conduct - A public disturbance intentionally caused by any person who engages in fighting or other violent conduct or in conduct which creates the threat of imminent fighting or other violence.

G. Force Option – Force options are techniques or weapons that are appropriate and objectively reasonable based on the unlawful conduct or resistance offered by an offender(s).

H. Incident Command Center - Is headed by the Incident Commander. The IC will confer with the TC regarding the Tactical Plan.

I. Less Lethal Force - Any use of force that by its very nature is not intended to, nor is it likely to cause death; however, death may result depending on its use.

J. Perimeter/Traffic Control Checkpoints - consisting of officers, barriers, signs, etc., defining the civil disorder boundaries which must be closed off to the public. All calls for service in the affected area will be dispatched through the Command Center.

K. Reasonably Necessary - Those actions, based upon the known facts or circumstances, which would normally be expected from a reasonable and prudent officer under similar circumstances.

L. Riot - A public disturbance involving an assemblage of three (3) or more persons who by disorderly and violent conduct or by the imminent threat of disorderly and violent conduct results in injury or damage to persons or property or creates a clear and present danger of injury or damage to persons or property.

M. State of Emergency - A proclamation issued by a local, state, or federal entity that an emergency exists.

N. Spontaneous Event - A civil disorder incident which is not anticipated and for which FPD does not have adequate time to develop an action plan or otherwise prepare for the event.

O. Tactical Operations Center (TOC) - Is headed by the Tactical Commander (TC). During widespread civil disorder, the TOC will focus on tactical and strategic-level decisions, while policy decisions will be the responsibility of the departments Command Center.

P. Serious Physical Injury - Any injury that could result in disfigurement, disability or death.

4.8.4. PROCEDURE

A. Civil Emergency Unit Organization

1. The Civil Emergency Unit composition and structure.

   a) The Fayetteville Police Department Civil Emergency Unit is comprised of one Captain, four Lieutenants, twelve Sergeants, and eighty-four officers.
   b) In addition to their Platoon responsibilities the CEU Commander will assign a Lieutenant as the Training Lieutenant, The Logistics Lieutenant and The Special Operations Lieutenant.

   c) The Technical Support Elements Unit of CEU will be comprised of:

      1) Squad 1- Extrication "Cut" Team. Responsible for dismantling demonstrator made obstacles and devices. These team members will be drawn from qualified Supervisors and Officers assigned to the primary platoons. The extrication or "Cut" team will be assembled on an as needed basis.

      2) Grenadiers and Pepper Ball Operators Responsible for deploying riot control agents and less than lethal munitions. These specially certified Supervisors and Officers will be integrated into each Platoon and Squad to ensure these capabilities are available throughout the team. These operators will be coordinated by the CEU Special Operations Lieutenant.

2. CEU Training

   a) The Civil Emergency Unit will train quarterly. This may be increased depending on the needs of the unit.
   b) Upon notification of a pre-planned event, the unit will conduct additional training as necessary.
   c) The CEU Commander will assign one of the team lieutenants as the Training Lieutenant. This Lieutenant will be responsible for establishing training dates, venues, instructors, and curriculum for the training events. Training plans will be submitted by the Training Lieutenant to the CEU Commander no less than 14 days prior to the scheduled training session.

3. CEU Equipment

   a) The CEU Commander will assign one of the team Lieutenants as the Logistics Lieutenant. The Logistics Lieutenant will be responsible for maintaining serviceability and accountability of team equipment, identifying and evaluating new equipment and technology that will enhance the team's capabilities while ensuring our CEU Team stays operationally current with other similar units nationwide. The Logistics Lieutenant will be responsible for facilitating the teams' logistical needs for training and operations.
   b) The CEU will be equipped in a manner that will allow personal protection to its members and tools for the completion of a variety of assignments.
   c) All CEU members, while on duty, shall have all issued CEU equipment immediately accessible and shall report to incident locations and training with all issued equipment. Unit members shall properly maintain all issued equipment and ensure that it is kept in working order.

4. Issued equipment must be inspected and documented annually by CEU Supervisors.
5. CEU equipment will consist of mass arrest equipment, riot control shields, public address equipment, and pepper ball equipment. This equipment will be inspected annually by the CEU Logistics Lieutenant.
6. Extrication "Cut" Team equipment will be stored in the Team Room and inspected on a quarterly basis by the CEU Special Operations Lieutenant.

7. CEU Selection

   a) Officers will be assigned to CEU based upon Department need for staffing and maintaining a sufficient number of trained CEU personnel.
   b) Assignment to CEU is an appointed assignment.

B. Anticipated Events and Spontaneous Events

Although many civil unrest situations occur in a spontaneous fashion, there are also anticipated events that lead to the same consequences. The Crime Information Center (CIC) will analyze the event to determine potential problems. The CIC will report their findings to the Chief of Police, or his designee, who will determine what FPD resources, will be utilized.

1. Once the decision is made to activate the CEU, the CEU commanders will have ultimate responsibility for developing the CEU Tactical Action Plan after consulting with all affected Divisions.
2. The FPD Emergency Mobilization Plan (EMP) and the Incident Command System (ICS) will be applied to anticipated events.
3. During spontaneous events or incidents, the FPD must quickly restore order, prevent incidents from escalating, protect innocent citizens, and isolate the incident. The FPD Emergency Mobilization Plan (EMP) and the Incident Command System (ICS) will be followed in responding to spontaneous events.

C. Activation and Mobilization

1. The CEU may be activated by any member of Executive Staff.
2. All divisions within the FPD will be responsible for maintaining current line-ups that reflect the CEU officers in that Division. This will enable a rapid analysis of available CEU resources.
3. During unit mobilization the Logistical Lieutenant or his/her designee will be utilized to assist in contacting off-duty personnel and advise them all relevant information.
4. CEU officers will respond as directed upon notification of an incident.
5. The activation of the Extrication "Cut" Team also requires the activation of at least one complete CEU Squad.
6. CEU mobilization will be initiated through the Mir3 system.

D. CEU Response

1. At the discretion of the CEU Commander, platoons/teams may be divided into squads to address several problems simultaneously. Due to officer safety concerns, at no time should any element of the CEU be reduced to anything under squad-size units.
2. Crowd Control/Dispersal

    a) When the on-scene commander determines the need for a positive police response, the commander will issue warnings to the crowd to disperse, if time and circumstances permit.
    b) A crowd will be dispersed pursuant to NCGS § 14-288.5 which states that a law enforcement officer may issue a command to disperse if he or she reasonably believes that a riot, or disorderly conduct by an assemblage of three or more persons, is occurring or it is imminent that a riot or disorderly conduct will occur. The command to disperse shall be given in a manner reasonably calculated to be communicated to the crowd. CEU commanders or their designee will use the following procedures when issuing crowd dispersal orders:

        1) Warnings will be issued with significant amplification and repetition as necessary to be heard by the entire crowd. When possible the warning and the order to disperse will be recorded by a video device.
        2) The warning will consist of an announcement that the assembly (or other offense) is unlawful and will include an order that the crowd disperse.
        EXAMPLE: I am (name and rank), a Fayetteville police officer. I hereby declare this to be an unlawful assembly and command all persons so assembled at (give specific location) to immediately and peacefully disperse. North Carolina Statute 14-288.5 prohibits remaining present at an unlawful assembly and if you do not disperse, you will be subject to arrest.
        3) If the crowd refuses to disperse after a reasonable amount of time following the initial warning, the on-scene commander will issue a final warning ordering the participants to disperse or be subject to arrest.
        4) If the crowd refuses to disperse after a reasonable amount of time following the final warning, the on-scene commander will direct that the violators be arrested.
        5) The number of warnings given, methods used, the time intervals between warnings and any order to arrest will be recorded on the Command Post Log. Documentation will be made (pictorially with a video camera, if possible) of exit routes available to the crowd and of any persons who leave the area.
        6) If a decision is made to use Riot Control Agents (RCA's), other than individual-sized OC spray or, only FPD-certified grenadiers and or Pepper Ball Certified Officers will employ SIMS, LLM's, and or PepperBalls upon the authorization of the CEU Commander . In the event that RCA's or LLM's are utilized, all exposed civilians will receive appropriate medical treatment as soon as conditions allow.

    c) The following guidelines will be followed in the use of RCA's or LLM's:

        1) Deployment

            a. Unless it is an emergency situation, deployment of RCA's or LLM's shall be authorized by a CEU Commander.

b. These devices shall be deployed subsequent to a lawful order to disperse and following FPD directives.
c. Only authorized personnel shall deploy these devices.
d. Use of individually issued O.C. is not prohibited by this policy. However, officers will follow the Departmental Use of Force Continuum and Use of Force Supervisors Investigative Reports will be completed.

3. CEU units will use only that amount of force necessary to restore order to an area.

a) Should the CEU use RCA's or LLM's the Commander will complete one Supervisor's Investigative Report.
b) The Commander will coordinate Supervisor's Investigative Reports on injuries sustained for both officers and civilians.
c) Approved weapons, weapon systems and ammunition approved for use by the CEU is listed under Attachment A.

E. Joint Operations with the Fire Department

1. The FPD support will include staging area security, escort, fire scene security, and protection of Fire Department personnel. These units will be referred to operationally as Strike Teams.

a) Scene Security: Officers may be called upon to secure an area before fire responds to the scene and will likely remain in place to protect fire personnel during their deployment.
b) Escort: Officers will provide escorts for fire personnel and apparatus into and out of the hazard zones.
c) When deployed together, police and fire units will work on the same radio frequency established by the Command Center.
d) All police assignments will be coordinated through the FPD scene commander assigned to the Tactical Operations Center.

F. Mass Arrest Procedures

1. Mass arrests should be avoided until the field detention area is operational. One arresting officer will be responsible for a maximum of ten (10) arrestees at one location. Should more arrests be necessary, the arrest team will rotate so that no one officer has more than ten (10) arrests.
2. If possible, prior to conducting mass arrests, notification should be made to the Cumberland County District Attorney's Office, Cumberland County Sheriff's Office, and the Juvenile Detention Center.

3. Procedure:

a) The arresting officer will complete a mass arrest card, filing in all applicable information. The card will be provided to the transport officers.
b) The arresting officer and the arrestee will be photographed together by a transport officer, while the mass arrest number is visible. The arresting officer will not remove his helmet when photographed unless they are in a secure area.
c) The photograph will be stapled to the mass arrest card and given to the transport officers.
d) The prisoner's property and any evidence will be labeled with the mass arrest number and prisoners name if available and placed into Property Control.
e) An ID bracelet with the correct mass arrest number will be placed on each prisoner prior to transport to the Cumberland County Jail.
f) Should a prisoner complain of illness or injury, the prisoner will be examined by Medical personnel as soon as possible. Officers will make note of the injuries and treatment received on the mass arrest card. This information will be included in the after action report.

G. Field Detention/Prisoner Processing

1. Field Detention

a) A field detention area will be established in a strategic location that will allow for orderly processing of prisoners prior to transporting them to the appropriate confinement facility.
b) This detention area should be situated in a safe and secure area away from the location of arrest. A fenced-in area (division office, church parking lot, etc.), would be an ideal location.
c) The field detention area is a temporary holding area. After prisoners are processed, they will be transported to the jail as expeditiously as possible.

2. Prisoner Processing

a) Officers will utilize the information from the mass arrest card and complete an Arrest Affidavit and Worksheet, along with other required paperwork.
b) The photograph will be attached to the Arrest Record packet, which will be returned to the arresting officer after processing.
c) Prisoners will be placed on buses or vans and transported to jail facilities after initial processing. One bus or van will be used for adults and another for juveniles. Males and females will be separated during transport.

H. Calls for Service

1. Processing of calls will be determined by the size and extent of the incident.

a) The decision to restrict calls based on the incident will be made by the Police Chief, a Division Commander, or the Watch Commander.
b) All calls for service in the affected area will be dispatched through the FPD's Command Center if activated.
c) Should the call require response by a CEU element, the call will be routed to the scene Commander who will then dispatch the appropriate CEU element.

2. All sniper or shots-fired calls will be routed to the TOC. The TOC will determine the need for the ERT team to respond.

I. Community Contacts

Crime Information Center (CIC) and Crime Prevention Units will maintain current lists of the major community leaders, organizers of special interest groups and known demonstrator groups. Each affected Service Area will be responsible for making contact with their community leaders in the event of a civil disturbance.

J. Public Information Office (PIO)

1. Conduct general press briefings to aid in rumor control.
2. Provide liaison with the news media representatives at the scene.
3. Provide assistance under the FPD's ICS and EMP plans.

K. Mutual Aid Procedures

1. The FPD Attorney's Office will maintain procedures and documents for requesting mutual aid assistance from other jurisdictions.
2. These procedures will include contact persons and telephone numbers for the Cumberland County Sheriff's Office, North Carolina Highway Patrol and North Carolina National Guard, as well as other local jurisdictions.

L. Complaints

1. Citizen Complaints of police misconduct during a civil disturbance will be recorded and investigated in accordance with existing procedures as soon as practicable after police operations concerning the demonstration are ended.

2. Officers who observe misconduct by other police personnel will bring it to their supervisor's attention as soon as possible.

M. Termination of Civil Disorder Activities

When the situation has subsided, the TOC or on-scene commander will conclude the operation by ensuring the following procedures are followed:

1. Accountability of Equipment: Supervisors will be responsible for ensuring that all equipment issued to their subordinates for use during the demonstration is returned or accounted for before they are relieved from duty.

2. Recording of Time and Attendance

   a) Each supervisor will keep a record of all personnel assigned to their unit.
   b) This record will contain names, assignments, employee and code numbers, dates, times, and hours worked.
   c) Upon termination of the detail, time records will be forwarded to the Administrative Bureau.

3. After-Action Report

   a) The Tactical Operations Commander will prepare an after-action report which will be submitted, along with a copy of the Command Post Log, to the Chief of Police.
   b) The after-action report will contain a complete and detailed report of problem areas encountered to include casualty information, highlights of significant events, unsatisfactory conditions, and any recommendations for improvement during future demonstrations.

4. Scene Clean-Up – As soon as it is safe to do so:

   a) City services will be brought into the area to clean the site as rapidly as possible. This will include garbage, graffiti and damage to city property.
   b) Local businesses that have sustained damage will be contacted and encouraged to begin repairs as soon as possible.
   c) Scene Security: FPD will maintain an adequate presence of officers in the area to deter any future re-escalation of unlawful behavior.

4.8.5 LESS LETHAL FORCE AND WEAPONS

A. Policy Statement

1. FPD officers are authorized to use less-than-lethal devices only as consistent with this policy statement.
2. Pursuant to this policy statement, less-than-lethal devices:
   a. Are synonymous with “less lethal,” “non-lethal,” “non-deadly,” and other terms referring to devices used in situations covered by this policy statement; and
   b. Include, but are not limited to:
      i. Impact Devices (e.g. batons, bean bag projectiles, baton launcher, rubber projectiles, sting-balls);
      ii. Chemical Agents (e.g. CS/OC gas, pepper spray, pepper-balls)
3. FPD officers are authorized to use less-than-lethal devices only in those situations where reasonable force, based on the totality of the circumstances at the time of the incident, is necessary to effectuate an arrest, obtain lawful compliance from a subject, or protect any person from physical harm. Use of less-than-lethal devices must cease when it is no longer necessary to achieve the law enforcement objective.

4. FPD officers are authorized to use only those less-than-lethal devices authorized by their respective units and that they are trained to use, absent exigent circumstances.
5. FPD officers are not authorized to use less-than-lethal devices if voice commands or physical control achieve the law enforcement objective. FPD officers are prohibited from using less-than-lethal devices to punish, harass, or abuse any person.
6. Less-than-lethal devices are used with a reasonable expectation that death or serious bodily injury will not result. They are, however, recognized as having the potential to cause death or serious bodily injury, and FPD officers may use less-than-lethal devices as deadly weapons only when authorized under the FPD Use of Deadly Force policy.
7. FPD officers must make necessary medical assistance available to subjects of less-than-lethal device use as soon as practicable.
8. FPD units authorized to use less-than-lethal devices must establish rules and procedures implementing this policy statement.
9. FPD units authorized to use less-than-lethal devices must establish training programs and procedures for using less-than-lethal devices that are consistent with this policy statement.
10. FPD units must individually establish procedures for documenting, reporting, reviewing, and investigating (as warranted), all incidents involving the use of less-than-lethal device in accordance with the FPD Use of Force Policy.

B. Impact Munitions (IMs)

1. Types of IMs used by FPD include:
    a. 12 Gauge Impact Munitions (Bean Bags)
        i. The bean bag round is authorized for use only by officers who have received specialty impact munitions training approved by the department.
        ii. Specialty Impact rounds are carried in the trunk of the police vehicles.
        iii. The Specialty Impact round is transparent and marked.
        iv. When loading Specialty Impact rounds the officer must visually inspect the round.
        v. When deploying Specialty Impact rounds the officer must, prior to discharge, alert backup officers that they are “deploying bean bag”.
        vi. Accurate and effective deployment of the round varies in distance.
        vii. When officers use this device, appropriate medical attention must be obtained for the suspect.
        viii. Only appropriate medical personnel will remove the projectile.
        ix. Officers should avoid aiming at the head, neck and heart.
    b. Bean Bag 40 MM
        i. The 37 or 40MM Bean Bag round contains one silica sand-filled bag.
        ii. This is a pain compliance round for crowd control that is suitable in moderate ranges of fire approximately 20-35 feet.
        iii. Outside of 35 feet, the round by nature of its design may provide the necessary accuracy or energy to be used as a target specific round.
        iv. This round may also prove valuable in riot situations where the police lines and protestors are in close proximity.

C. Multi-Role Projectile Launcher

1. The GL-6 is a semi-automatic multi-role 40MM six shot revolver type spring motor driven projectile launcher. This less than lethal weapon is capable of firing 44MM baton rounds and 40MM chemical munitions (Oleoresin Capsicum - OC, Chlorobenzylidenemalononitrile – CS, and Chloroacetophenone - CN).

    a) The GL-6 is assigned to the Emergency Response Team and is authorized for use only by personnel who received Fayetteville Police Department approved training on the multi-role projectile launcher.
    b) The 40MM baton rounds are blunt trauma inducing rounds.
    c) The safe range for deploying the rounds in a minimum distance of 5 yards.
    d) Officers should avoid aiming at the head, neck, upper torso, and groin area.
    e) When officers use the 40MM baton rounds, appropriate medical attention must be obtained for the subject.
    f) The 40MM baton rounds and chemical munitions will be stored in the Emergency Response Team equipment room.

D. Foam Baton

1. The Foam Baton is a 37/40MM round that contains three foam projectiles. It is intended to be direct fired but may be skip fired at the discretion of the operator.
2. As a pain compliance round for crowd control, this round is most suitable in close to medium range of fire, approximately 15 to 30 feet.
3. For the incapacitation or distraction of single non-compliant or aggressive subjects, this round is best suited at close to moderate distances, approximately 10 to 20 feet.

E. 60, 45 Or 32-Cal Rubber Projectile Cartridges

1. The 60, 45 or 32cal Rubber Projectile Cartridges are 40MM rounds that contain varying amounts of rubber projectiles.
2. It is intended to be direct fired at the discretion of the operator, but it is necessary to keep the trajectory low so the projectile spread will not engage the subject above the breast line.
3. This is a pain compliance round for crowd control and is most suitable at close to medium ranges of fire, approximately 15 to 40 feet. At closer ranges, this round may cause minor injuries.

F. Rubber Baton

1. The Rubber Baton is a 40MM round that contains three rubber projectiles.
2. The Rubber Baton is intended to be skip fired but may be direct fired at the discretion of the operator.
3. This is a pain compliance round for crowd control, it is most suitable at medium to extended ranges of fire, approximately 30 to 60 feet.
4. Inside of 30 feet, this round may result in minor injuries.

G. Wood Baton

1. The Wood Baton is a 40MM round that contains three wood projectiles.
2. The 40MM Wood Baton round is generally deployed in low trajectories or skip fired in the general direction (non-target specific) of the intended targets administering a means of pain compliance over greater distances than most of its counterparts.
3. This is a round for crowd control. It is most suitable at medium to extended ranges of fire, approximately 30 to 60 feet.
4. Inside of 30 feet, this round may result in minor injuries.

H. Sponge Round

1. The Sponge Round is a light weight, high speed projectile consisting of a plastic body and a foam(sponge) that is spin stabilized via the incorporated rifling collar and the 40MM launcher's rifled barrel.
2. The 40MM exact impact Sponge round is intended for direct fire deployment.
3. This round will prove most successful for incapacitation when used within its optimal energy range of approximately 10-75 feet, although it may be used in situations from 5 to 120 feet.
4. The exact impact Sponge Round can also be deployed in crowd control situations to protect the riot line, cover or enhance chemical munitions, or target specific agitators and organizers in the crowd.

I. Sting Grenade

1. This device is a pyrotechnic, hand deployed grenade containing 180 .32 inch projectiles or 80 45 cal. projectiles.
2. It is available with just the projectiles or with the projectiles and a complement of OC or CS.
3. It is a pain compliance, distraction and disorientation device for crowd management.
4. Deployed as a ground burst or aerial burst per the discretion of the operator.
5. Blast radius of up to 150' for projectiles and chemical agents.
6. Maximum effect device delivers four stimuli for psychological and physiological effect:

    a) Rubber projectiles
    b) Light
    c) Sound
    d) Optional chemical agent

4.8.7 NOTIFICATION & REPORTING

In any situation in which an officer is required to use force against another person, the officer shall contact a supervisor to come to the scene after rendering the situation safe and summoning medical assistance for anyone injured. If the circumstances make such action impractical, the supervisor must be contacted as soon as possible following the incident. If a supervisor is not available, the officer will contact any on-duty Watch Commander to come to the scene.

A. Officer Responsibilities

On-duty or off-duty officers who use less lethal force either deliberately or accidentally, or any officer who witnesses the use of less lethal force, and while acting in an official capacity as a law enforcement officer will:

1. Immediately take all measures to render the situation safe.
2. After employing any force including lethal or less than lethal weapons, or upon a finding of any injury or a complaint of any injury, officers shall render appropriate medical aid and request further medical assistance, when necessary, for the suspect and any other injured individuals, as soon as it is safe to do so. Any aid provided shall be documented in the appropriate report. For injury sustained or caused by usage of a CEW refer to WD 4.10.8 REMOVAL OF PROBES/FIRST AID.
3. Contact immediate supervisor to respond to the scene. If a supervisor is not available, the officer will contact any on-duty Patrol Lieutenant to come to the scene. If off-duty, contact the on-duty supervisor, Watch Commander or Patrol Lieutenant.
4. Notify the Communication Center of the situation.
5. Request additional units to assist in protecting the scene and detaining witnesses as necessary.

6. Complete a detailed CIR indicating what events led up to the use of force incident (by the end of the officer's tour of duty, if feasible).

B. Supervisor/Watch Commander Responsibilities

1. Confirm that medical assistance has been requested and provided as necessary.
2. Issue a MIR3 Command Staff Notification and ensure verbal contact is made (**if necessary**) with the appropriate Chain of Command.
3. Make certain that the incident scene is protected and all witnesses are identified and, if possible, statements are obtained.
4. Coordinate the activities of responding back-up units.
5. Ensure photographs of the subject and officer are obtained identifying any injury or alleged injury sites, the area in which the force was used and any other pertinent photographs.
6. Ensure all reports are complete and submitted prior to the end of the tour of duty.
7. Obtain a statement from subject on whom force was used. If a subject refuses to give a statement, the supervisor will note the refusal in the investigative file.
8. Ensure all videos are classified properly and downloaded to server.
9. It is the responsibility of the immediate supervisor to thoroughly investigate the incident. Supervisors will complete a Use of Force entry into Blue Team and follow the administrative investigative procedures outlined in Operating Procedure 1.1, Internal Administrative Investigative Procedure.

C. Investigations and Reporting

1. The following are examples of situations where completion of a Use of Force Investigation is **required**:

   a) When an officer discharges a firearm for other than training or recreational purposes.
   b) When the officer takes an action that results in or is alleged to have resulted in injury or death of another person.
   c) Whenever an officer applies force through the use of lethal, less lethal or non-deadly weapons.
   d) If an officer applies weaponless physical force at a level that requires medical attention, even if treatment is refused, or there is a claim of injury.
   e) Whenever an officer applies physical force that involves striking or hitting another person.
   f) When an individual alleges excessive force was used.

2. The department reviews or investigates all reportable use of force incidents to determine their justification, as well as to correct any identifiable training deficiencies. The report should distinguish which force option was selected and why it was objectively reasonable. Supervisors will respond to each use of force incident in which reportable force is used, conduct an administrative investigation in accordance with Operating Procedure 1.1, Internal Administrative Investigative Procedure. The internal affairs unit should be consulted if there is any question about who should complete the administrative investigation. Acting supervisors are not authorized to complete a use of force investigation. The report will include each officer and each reportable use of force.
3. All use of force incidents that result in serious bodily injury and/or death will be investigated administratively by Internal Affairs.

4.8.8 REFERENCES

W.D. 3.5	Media Policy
W.D. 4.1	Use of Force and Reporting
W.D. 4.11	Use of Deadly Force and Reporting

W.D. 6.6 Specialized/Career Enrichment Assignments
O.P. 1.1 Internal Administrative Investigative Procedures
O.P. 4.1 Emergency Response Team
NCGS 14-288.5
COF Code of Ordinances Article VIII, Sec. 24-282 through 24-285.

By Order Of: Kemberle Braden
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **4.9**
	Subject **ACTIVE SHOOTER HOSTILE EVENT RESPONSE/ACTIVE THREATS**	**Effective Date** 13 March 2026
	Revised 03-18-16, 08-08-19	**Page** 1 of 9
	CALEA Standard 46.1.10, 46.2.1	

4.9.0 OBJECTIVE

The purpose of this policy is to provide officers with the Fayetteville Police Department (FPD) protocols for assessing the threat and performing rapid intervention tactics to limit serious injury or loss of life during Active Shooter Hostile Event Response (ASHER) situations. This policy applies to all situations where there is an active, ongoing deadly threat, to include those from firearms, explosives, knives, vehicles and so forth.

4.9.1 POLICY

A. It is the policy of the FPD in situations where ongoing deadly force is reasonably likely to be employed by a suspect – and delay in taking police action could result in injury or death - that rapid intervention of officers at the scene is authorized when such actions are deemed reasonable to prevent further injuries or loss of life. The prioritization of activities in order of importance are:

1. Locate, isolate, and stop the assailant/threat.
2. Treat and evacuate the injured.
3. Establish containment with inner and outer perimeters, safety sweep for unknown hazards.
4. Complete evacuation.
5. Preserve the crime scene.

NOTE: While this list attempts to prioritize activities, these activities may overlap each other and/or be performed simultaneously.

B. The FPD recognizes that it is important to provide first aid to the wounded, but the primary duty is to first protect lives by stopping the continued actions of the active assailant threat.

4.9.2 DEFINITIONS

Active Assailant/Active Threat – An incident, normally in a confined and populated area, in which one or more armed persons have used, or are reasonably likely to use, deadly force in an ongoing manner and where persons have been injured, killed, or are under imminent threat of death or serious bodily harm by such persons.

Rapid Deployment – Immediate response by one or more officers to an active shooting based on a reasonable belief that failure to take action pending the arrival of additional officers would result in death or serious bodily injury.

Contact Team – The first officer(s) at the scene of an active shooting tasked with locating the suspect(s) and stopping the threat.

Rescue Task Forces – An organized team of officers and fire personnel who make entry after the contact team to provide first aid and evacuate persons from a hostile environment.

Incident Commander (IC) – The individual who takes charge at the scene, regardless of rank. In many cases, this may be the first responder on the scene.

Unified Command (UC) – a physical location in which the FPD Incident Commander is co-located with Fire Department, EMS and other agency commanders.

Hot Zone – An area where there is a high likelihood of deadly, hostile threats. This may include the perpetrator(s), explosive devices, toxic chemicals, or any other deadly threat.

Warm Zone or Clear Area - An area where law enforcement has done a rapid primary search, but there remains a potential hostile threat to persons or providers that is not direct and immediate. This may also be a location where law enforcement has not done a rapid primary sweep however; the location is geographically distanced from the location of the known threat. This area can be considered stable but not secure.

Cold Zone or Secured Area – An area where personnel do not anticipate a significant danger or threat to the providers or patients either by geography or after the area has been secured by law enforcement. The secured nature of this area may vary throughout the incident depending upon the dynamics of the threat. Command assets, staged non-operational personnel and apparatus should be located in the cold zone.

Neutral Zone – The area surrounding an incident located outside of the Cold Zone that contains activities directly or indirectly related to the incident. Examples notification/family reunification, witness debrief areas, media staging areas, public safety staging areas and more.

4.9.3 RAPID INTERVENTION RESPONSE PROCEDURES

A. The FPD will respond to any threat where lives are in imminent danger. Officers responding to an ASHER threat will accomplish this goal by utilizing any legal means at their disposal to swiftly bring the situation under control and to save human life. Those means may include arrest, containment, or the application of deadly force.

B. Situational Assessment

1. Based on available information, dispatched responders or officers already at the incident scene may verify that an ASHER situation exists through information provided by dispatch, from persons confined within or exiting the target location, witnesses, reports of – or sounds of – gunfire, or other related means.

2. Where available and as time permits, witnesses, or others should be asked about the location and number of suspects, the suspect's weapons, persons injured, the number and location of persons in possible jeopardy, and the use or location of improvised explosive devices (IEDs).

3. Upon completion of the initial assessment, the first initial officer on scene will:

    a. Advise communications and request resources as deemed necessary.
    b. Determine whether to take immediate action alone or with another officer or wait until additional resources are available.

4. Contact teams and rescue teams should continually assess their response and role depending on the changing threat or as multiple/new threats present themselves as a contact team could become a rescue team and vice versa.

5. Officers should enter a hot zone with anticipated equipment needed based on the type of call, location, structure of a building, etc, to include safety equipment, breaching tools, flashlights, APR, trauma kits, external ballistic protection and other equipment and resources issued to the officer. ALL law enforcement officers responding to and entering the ASHER location if not in uniform will wear protective vests clearly marked with "POLICE".

6. A command post should be established as soon as possible. Once a command post is established any additional responding officers have to check in at the command post and be dispatched as needed by the incident commander.

C. Rationale for Rapid Intervention

1. The responding officers shall determine whether rapid intervention is legally justified and reasonable. This decision may be based on whether or not:

    a. Deadly weapons are available to, or have been used by the suspect.
    b. Placement of and/or detonation of explosive devices.
    c. The use of chemical weapons.
    d. Victims are under the suspect's control, are readily accessible, or both.
    e. The suspect poses an ongoing threat of deadly force or violence that may cause the potential loss of human lives.
    f. An immediate recovery of a citizen or officer is necessary to prevent death or serious bodily injury.

D. Individual Officer Intervention

1. The vast majority of active shooter incidents involve one suspect, a factor that makes individual officer intervention a viable option for saving lives, even if additional resources are not readily available.

2. In some instances, an individual officer may be present within or nearby the active assailant location, such as a mall or school. Whether on or off duty, in uniform or in civilian clothes, the officer may determine that immediate tactical intervention is necessary and reasonable to stop the threat. That decision should be based on the factors noted in the Situational Assessment section above and the officer's capability to effectively intervene. An officer's decision to intervene should be based on the following:

    a. The officer is armed and in possession of appropriate equipment (body armor, radio, etc.)
    b. It is reasonable to believe that persons will be killed or injured if immediate response to the threat is not taken.
    c. The size, configuration, and related physical aspects of the incident site allow for movement, stealth, cover, and related tactical needs.
    d. The suspect is accessible.
    e. The incident site offers opportunities for cover and concealment to assist tactical options, adequate routes for evacuation, or secure locations in which to hide.

3. As soon as practical the officer(s) shall notify communications that an active assailant situation exists. The officer should provide the following information and updates as available:

    a. The identity, location, manner of dress, and proposed actions of the officer(s) at the scene.
    b. Information on the suspect to include a physical description, weapons, equipment such as body armor, and current location and actions.
    c. Available information on persons injured or under threat, their locations, emergency resources required, and recommended points of entry.

4. When displaying firearms while in plainclothes, officers will:

    a. Repeatedly verbally identify themselves as police officers.
    b. Wear body armor clearly marked with "POLICE".
    c. Display their badge and/or other police identification to alert security personnel, arriving officers, or civilians who may be armed.
    d. Plainclothes officers (if not wearing body armor clearly marked Police will holster their weapon upon approach by other law enforcement officers. All while keeping their hands in sight and verbally identifying themselves as Law Enforcement.)

5. If armed tactical intervention is not feasible,

    a. Officers should facilitate evacuation by:
        1) Locating points of egress from danger zones and directing people to those evacuation points if reasonably safe for them to do so.
        2) Locating and directing persons hiding in unsecure locations (e.g., under desks, inside unlocked rooms) to evacuation points.
    b. If evacuation is not possible, officers should:
        1) Help locate and direct persons to safer locations, preferably with thick walls; solid doors with locks; or, in the absence of such locations, rooms that can be barricaded with heavy furniture or objects.
        2) Direct individuals to silence all personal electronic devices, take cover, and remain silent.
        3) Take any actions possible to distract, disrupt, divert, or incapacitate the shooter using surprise attacks and any aggressive force possible.
        4) When possible, officers should assist with the injured and direct incoming teams to injured persons.

E. Intervention—Contact Team Response

1. A contact team response to an active shooter situation is preferred in nearly all active assailant situations—irrespective of any initial actions that may have been taken. Even if the threat seemingly has been terminated, contact teams are required to render the location safe, assist in screening and orderly evacuation of persons to a designated area, and locating any other persons still in hiding.

2. Normally, only one contact team shall be deployed at any given time but additional teams may be deployed at the direction of the IC in order to provide a tactical advantage. The IC shall ensure that each team is aware of the other teams' locations and actions. The mission of the contact team(s) is to locate and stop the threat. If after a reasonable time with no physical evidence of the shooters location i.e. hearing gunshots or assailant sightings the Contact Team will then begin treating the wounded and extracting the injured to an area designated by IC as a Casualty Collection Point. If there are enough law enforcement on site to secure a portion of the structure to allow Rescue Task Force Teams to enter and remove patients from potential Hot Zone then this may be utilized instead of the Contact Team treating and extracting patients.

3. If the Incident Commander has deployed four contact teams inside of a structure, a safety stop will called to reassess the tactical operations. This is conducted to reduce/prevent the potential for blue on blue encounters.

4. An inner perimeter (Hot Zone) shall be established to control access to and egress from the target location. Civilians should be directed out of the inner perimeter to a designated secure location for identification and debriefing.

5. A secure staging area for responding officers and other emergency responders shall be designated and its location provided to communications.

    a. An officer should be assigned to the staging area to brief arriving personnel, maintain communication with the contact team, and assign duties as directed by the IC.
    b. A second secure staging area shall be designated as soon as reasonably possible to accommodate arriving family members of persons at the target location. Some of these persons may be armed, particularly those who have family members at the incident scene. These individuals must be restricted to the staging area as they could pose a hazard to themselves, officers, and bystanders and jeopardize tactical operations.

6. The contact team will be provided a designated communication channel (the channel that the incident was initially dispatched on will be designated as the operations channel for contact and Rescue Teams) to provide the following types of information:

a. The team's progress and location.
b. The location and number of victims and their medical needs.
c. The estimated number of suspects involved.
d. The suspects' descriptions and weapons if known.

7. The location of any booby traps or explosives. If discovered, the contact team leader shall determine whether to post an officer near it, report it, or mark it for later removal.

8. The contact team shall locate the suspect(s) in the most expeditious manner possible in order to stop the threat. In doing so, officers should not stop to render aid or assistance to victims but will, where possible, acknowledge them and inform them that rescue teams are forthcoming and direct them to a safe point of egress or hiding if they are ambulatory and it is deemed safe for them to do so.

9. The team should employ tactical advantages such as avoiding use of the main entrance to provide an element of surprise and to avoid potential booby traps or ambush.

10. The contact team should not attempt to conduct a thorough clearing of the location but should follow sounds (such as gunfire, yelling, and screaming); observations of victims and bystanders; and related information to help locate the suspects as soon as possible.

11. Once the suspects have been located and the threat eliminated, the contact team should proceed to clear all portions of the location in the event that more suspects are in hiding. The arriving, Emergency Response Team (ERT), or other officers should be called upon to help clear the location of potential suspects, locate and evacuate persons in hiding, and render safe any dangerous munitions or armament.

12. Render first aid as necessary when the primary mission is completed.

F. Rescue Teams

1. Once contact teams are deployed, and as officers arrive at the incident scene, the IC should ensure that Rescue Task Forces are formed to treat and extract civilians inside the crisis site. The Rescue Task Force team will typically consist of 2 to 4 law enforcement officers and 3 to 4 fire personnel. The teams may be expanded as necessary, but care should be given not to make a team so large that force protection cannot adequately protect the team.

2. The Rescue Task Force is led by the ranking fire officer. The Rescue Task Force will receive instructions and directions from the Fire Incident Commander who is operating in the Unified Command Post. The law enforcement officers assigned to provide force protection for the Rescue Task Force will always maintain 51% veto power of any decision made by the Rescue Task Force Leader.

3. At all times prepare to respond to hostile action as rapidly changing circumstances may place them in contact with suspects. The un-armed members of the Rescue Task Force should take immediate action to either retreat to safety or move to cover.

4. Rescue teams shall be deployed only after the contact team has made entrance, provided a status report, notified the command post of the location of victims, and determined that rescue efforts may begin. Wounded and injured persons shall be quickly searched, if reasonable, for weapons and removed to the designated emergency first aid area with cover and movement of such persons provided by team members. If emergency medical personnel are not yet in place, basic first aid shall be the responsibility of rescue team members until they are relieved by medical personnel.

5. Fire department and medical personnel will assist in moving those wounded to a designated triage area for treatment and transport officers may be needed to assist in the transport of those wounded to local hospitals by utilizing their patrol vehicles.

6. Rescue team members shall search uninjured persons in the hostile environment before moving them to the evacuation site.

7. Rescue and recovery operations shall continue until the IC has declared the scene clear and safe.

8. Officers assigned to the evacuation center shall maintain custody and control of all persons and document their identities until they can be reunited with family or others. Victims and witnesses suffering from emotional and/or physical trauma or shock should be kept under the observation of medical personnel until such time as they may be safely transported to a hospital or home in the care of family or friends.

G. Incident Command Priorities

1. The IC shall ensure that the following actions are accomplished:

   a. Establish Unified Command; The IC will ensure that all agencies responding to the scene have a representative in the Command Post.
   b. Notify communications of IC designation, location of the command post, a radio channel to be used for interagency communication and a radio channel for Command to utilize for Command Post directives.
   c. Designate a "Neutral Zone Commander" this Commander will be responsible for establishing ingress and egress routes to the scene and traffic control and management. This Commander will also be responsible for handling all situations/incidents that occur in the area surrounding the active violence incident.
   d. Establish positions from within the UCS which will assist the IC in completion of set objectives for the incident.
   e. Identify secure staging areas for first responders.
   f. Identify an initial secure staging area for family members who arrive at the scene until a notification area location is identified.
   g. Request Emergency Management Representative to join UC to assist with establishing notification area.
   h. Establish a media staging area away from the area of operations.
   i. Identify an additional staging area for the quick response team, if employed.
   j. Request explosive detection canines and/or EOD resources to perform immediate sweeps in and around the area of operations.
   k. Request additional mutual aid if necessary.
   l. Designate a scribe for recording of incident actions and information.
   m. Establish an inner and outer perimeter at the scene to ensure crime scene security and evidence preservation.
   n. Assign officers to respond to local hospitals to provide security.
   o. Contact appropriate aviation resources to control air space for possible medical evacuation resources and to establish restricted air space for law enforcement use only.
   p. Assist the EMS Incident Commander with designating a safe staging area for treatment of the injured and evacuation by EMS or medevac.
   q. Initiate intelligence gathering on possible suspects.
   r. Select a safe location to place evacuees for accountability, medical and investigative purposes, while assigning officers to collect information from victims and witnesses for investigative purposes.
   s. Assign an officer or supervisor liaison to provide information and updates to relatives of victims.
   t. Coordinate with owners or officials of the target location for floor plans, site layout, and a roster (including emergency contact information as available) of employees, students, residents, visitors, or others believed to be on-site.
   u. Once initial response priorities have occurred, additional responding officers will be assigned duties by the IC as needed.
   v. Specialized units will be requested via mutual aid as needed. These units may include but are not limited to; the Cumberland County Sheriff's Office (CCSO), North Carolina State Highway Patrol (NCSHP), North Carolina State Bureau of Investigations (NCSBI); Federal

Bureau of Investigations (FBI), Alcohol Tobacco and Firearms (ATF), and surrounding Fire Departments and Emergency Medical Service (EMS) Units. A sign in/sign out log will be utilized to maintain scene security and for identification of all first responders and other agency personnel involved with the incident; and

w. A notification area will be established at a location away from the actual incident itself. Family members of those involved in the incident will be directed to assemble at this location through the different media outlets. If the victims are children then family members will be required to show identification or confirmation by those in charge of the children at the time of the incident. Officers will be needed at this location to provide security and a Command Staff Member should also be assigned to coordinate these reunifications. The Staff member will provide frequent updates as information becomes available.

2. When available on the scene the ERT may be assigned as appropriate to:

   a. Contain the location.
   b. Assist rescue teams.
   c. Help locate suspects or relieve the contact team.
   d. Help locate and safeguard explosives pending removal.
   e. Perform heavy breaching/explosive breaching.
   f. Provide special weapons and equipment as needed.
   g. Designate a Quick Reaction Force to be available in the city away from the initial incident.

4.9.4 COMMUNICATION CENTER RESPONSIBILITES

A. Communications personnel receiving a call of an active shooter or active threat will:

1. Attempt to make contact with the caller/business to confirm the incident and obtain as much information as possible.

2. Simulcast “active shooter or threat” and location over all channels.

3. Dispatch available police units from the responsible district. The district in which the event is occurring and available officers in the immediate area will be the initial units to respond (the other districts will be notified of the call and will be directed to respond by supervisors if needed), Fire and EMS Units to the area.

4. The Communications Supervisor or their designee will upon confirmation of ASHER initiate a MIR for ALL Command Staff, Crime Information Center, Canine Units, ERT and the Aviation Unit advising of the call location and situation.

5. Communications will assign a dispatcher to monitor the TAC Channel designated by the IC as the Operations Channel.

6. Monitor the radio and dispatch additional units as directed.

7. When an active shooter/threat is confirmed by an officer on scene or by Communications personnel, Communications will immediately notify surrounding public safety agencies and other resources of the ASHER event that is occurring, advising them that assistance is not needed until confirmed by the IC. The ONLY unit to be requested for immediate response during this notification will be an EOD Unit from the Cumberland County Sheriff’s Office.

8. If additional resources are requested by those on scene then dispatch will contact the resources needed for response.

9. Notify all first responders to include police, fire and EMS of the Command Post location and Incident Commander on scene.

10. Notify surrounding Ft. Bragg Emergency Operations Center, schools, churches, businesses and residences for public notification and safety awareness purposes that an active shooter / threat incident is being investigated.

11. Request IC designation if it has not been provided after the initial response by officers. Dispatch will inquire about who is the Incident Commander if no one has identified themselves as the Incident Commander by the time the 5th arriving officer is on scene. Dispatch will then designate an Incident Commander until a supervisor arrives and relieves them of this duty.

12. Once the Active Assailant Incident is confirmed by officers on scene and the Communications Center is inundated with calls regarding the incident the tele-communicator will switch to an abbreviated question list for information gathering purposes:

    a. What is your location?
    b. Are you safe? Are you not?
    c. Do you see the perpetrators?
    d. Do what you need to do to stay safe: Run-Hide-Fight.
    e. Everyone is coming to the scene to help.

4.9.5 PUBLIC INFORMATION OFFICER (PIO) RESPONSIBILITIES

A. The PIO is responsible for coordinating the dissemination of information to the media and public to address the following:

1. Coordinating for the release of information providing updated public notifications for awareness and safety.
2. Staging areas for the media.
3. Location for family members to respond for notification area location.
4. Travel routes to avoid (ingress/egress routes for emergency vehicles); and
5. Press conference coordination.

B. Consider opening a Joint Information Center (JIC) at separate locations for PIO's from all responding agencies and locations involved to coordinate releases for the media. Emergency Management will assist in establishing the JIC if deemed necessary.

1. Identify affected agencies/organizations that may have a PIO conducting media releases (e.g. schools, airport, university). If such agencies or organizations are identified, establish a JIC to ensure coordinated media releases to prevent misinformation. The PIO will coordinate ALL press releases by entities involved in the incident to include location representatives as well.

4.9.6 EXTENDED OPERATIONS

A. If the incident is anticipated to become an extended operation a unified Command Post will be established in the proximity with the assistance of Emergency Management Officials. All agencies working on site will be located at this site.

B. Assign officers to collect personal belongings on site left by the victims. This will include the documenting of its locations, description of items and also photographs as well. This way the items can be returned to the owner in a timely manner. These items do not have any evidentiary value in regards to the incident.

C. Consideration should be given to physical site security of the incident location. Coordination with Emergency Management Officials in acquiring resources to set up physical security barriers are the location as well as crime scene tape further out from the location.

D. Larger media staging area may be needed depending on the type of event.

4.9.7 DEBRIEFING

A. As soon as reasonably possible after the incident the department will conduct a debriefing of essential personnel involved in the incident.

B. The debriefing will identify both positive and negative aspects of the deployment with the intent of addressing areas in need of improvement and to determine whether changes in operational protocols, policy, or training may be warranted as a result.

C. All personnel involved with the incident will be provided information on support services that are available for the health and emotional support of those involved.

D. A debriefing involving all agencies that responded to the incident will be conducted to discuss all aspects of the incident.

4.9.8 ANNUAL POLICY REVIEW AND TRAINING

A. The Captain assigned as the Commander of the ERT will be responsible for conducting a documented annual review of the policy which will include identification of any training needs for all sworn personnel on active shooter/threat response.

B. The FPD will provide active shooter training to all sworn personnel and job relatedness training for non-sworn personnel, including simulation exercises conducted in schools and other facilities and partnering first responder agencies, where appropriate at least once every three years.

4.9.9 REFERENCES

O.P. 3.1	Patrol Operations
O.P. 3.14	Mental Health Call Response
O.P. 4.1	Emergency Response Team
O.P. 4.5	Critical Response Plan

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

4.10.0 OBJECTIVE

To establish guidelines for conducting police foot pursuits. This policy is intended to help secure a balance between protecting the lives and safety of officers and upholding the agency's duty to enforce the law and apprehend violators.

4.10.1 DEFINITIONS

A. Foot pursuits are inherently dangerous police actions. Officer and public safety shall be the overriding consideration in determining whether a foot pursuit will be initiated or continued. Foot pursuits occur in a wide variety of circumstances. Therefore, this policy is intended to provide overall direction and guidance to officers when deciding if such pursuits are warranted and how they should be conducted.

B. Foot Pursuit: The physical attempt by an officer(s), without the aid of a vehicle or other motorized device, to detain, arrest, or otherwise take physical custody of an individual who attempts to flee on foot.

C. Team Concept: The team concept describes the practice of having two or more officers work together during a foot pursuit. The officers work in unison via direct or indirect communication to coordinate their efforts, remain aware of the location of officers and suspects, and keep abreast of the status of the pursuit.

4.10.2 DECIDING WHETHER TO PURSUE

A. An officer's decision to pursue on foot shall be made with an awareness of for the risk to which the officer and others will be exposed.

B. An officer may pursue persons whom he or she reasonably believes has committed an act that would warrant a stop, investigative detention, or arrest.

1. An officer shall consider the following alternatives when deciding to engage in a foot pursuit:

    a. Containment of the area.
    b. Canine search.
    c. Saturation of the area with patrol personnel.
    d. Apprehension at another time and place when the officer knows the identity of the subject or has other information that would likely allow for later apprehension.

2. Prior to engaging in a foot pursuit officers should consider a number of factors in deciding if a foot pursuit should be initiated or continued safely. These factors may include:

    a. The seriousness and/or dangerousness of the crime or matter warranting police involvement.
    b. If the suspect is known to be or suspected of being armed.
    c. The location and nature of the area involved.
    d. The number of violators involved.
    e. Weather and visibility/lighting conditions.
    f. The officer's familiarity with the area.
    g. The quality of radio communications.
    h. Alternate or safer methods of apprehension.
    i. Availability of assistance and adequate backup.
    j. Likelihood of apprehending the suspect.
    k. The presence of physical hazards.
    l. The physical condition and abilities of the officer(s) involved.
    m. The safety of the officers and the general public.

4.10.3 PROCEDURES FOR CONDUCTING A FOOT PURSUIT

A. An officer initiating a foot pursuit shall immediately notify Communications of the pursuit and, as soon as practical, provide the following information to Communications:

1. Call sign.
2. Location and direction of travel.
3. Number and description of the suspect(s).
4. Reason for the pursuit or type of crime
5. Whether or not the suspect is armed and the type of weapon.
6. Where additional units should respond.

B. Foot pursuits shall have priority over all other non-emergency traffic.

C. The initiating officer shall immediately coordinate with secondary officers to establish a perimeter in the area to contain the suspect(s).

D. Officers should try to maintain control over their voice during radio transmission to ensure that they are clearly understood. The quality of radio communications during a foot pursuit is critical to officer safety and successful apprehension.

E. The pursuing officer should communicate location and direction of travel throughout the pursuit. As reasonably possible, the officer should communicate other factors affecting the safety of assisting officers and others. If at any point the pursuing officer determines that the pursuit cannot be continued safely the pursuit should be immediately terminated and all assisting units advised.

F. The pursuing officer shall terminate a pursuit if instructed by a supervisor to terminate.

G. Officers should try to follow the same general path, not the exact route, as the suspect so that the suspect discovers hidden obstacles such as clotheslines, wires, cables, holes, sprinkler heads, etc. Officers should try to parallel the suspect when possible.

H. Officers should always take their vehicle keys with them to avoid having the violator return to the scene and flee in the police vehicle.

I. Officers should ensure that violators who flee from vehicles do not have accomplices in the vehicle that may attack the officer from behind.

J. Officers should always remain cautious, in control, and alert for additional threats and other changes in the situation.

4.10.4 ESTABLISHING A PERIMETER

A. A perimeter is used to contain a suspect in a specific area, to make apprehension more likely. By establishing a perimeter the suspect will be contained, and when combined with discontinuing the foot pursuit, removes the inherent risks associated with pursuing. When an armed suspect flees on foot, using a perimeter greatly decreases the likelihood of an ambush.

B. When establishing a perimeter, officers should follow the tactical guidelines of control, communicate, coordinate, and contain.

1. Control: Officers must prevent the suspect from having any outside contact to reduce the opportunity for the suspect to get help or take a hostage.

2. Communicate: The primary officer must give clear and timely directions to responding units in order to seal the perimeter.

3. Coordinate: Officers must coordinate the response of resources such as additional patrol units, K-9, or ERT, etc.

4. Contain: Immediate containment through the use of a perimeter is essential to prevent the suspect's escape. All sides of the perimeter must be covered; with officers being placed in a position to see the suspect if there is an attempt to escape the bounds of the perimeter.

4.10.5 GUIDELINES AND RESTRICTIONS

A. Officers shall not engage in or continue a foot pursuit under the following conditions unless there are circumstances such as an immediate threat to safety of other officers or civilians or an arrest cannot be made at a later time. These guidelines are not intended to limit or restrict the officer's ability to pursue subjects on foot but to raise the awareness of safety issues that should be considered in each situation.

1. If the officer believes the danger to pursuing officers or the public outweighs the necessity for immediate apprehension.
2. If the officer becomes aware of any unanticipated circumstances that substantially increase the risk to public safety inherent in the pursuit.
3. When acting alone, the lone officer shall keep the suspect in sight from a safe distance and coordinate containment with responding officers.
4. Into buildings, structures, confined spaces, or into wooded or otherwise isolated areas without sufficient backup and containment of the area. The primary officer shall stand by, radio his or her location, and await the arrival of officers to establish a containment perimeter. At this point, the incident shall be considered a barricaded or otherwise noncompliant suspect, and officers shall consider using specialized units such as ERT or police canines.
5. If the officer loses possession of his firearm.
6. If the suspect's location is no longer known.
7. If primary officers lose radio contact with Communications or communication with backup officers is interrupted.
8. If an officer or third party is injured during the pursuit who requires immediate assistance and there are no other police or medical personnel able to render assistance.
9. If the officers loses visual contact with the suspect.
10. If the officer is physically injured or exhausted and unable to continue the pursuit and/or effect a forcible arrest.

B. Officers should reinstate any previously terminated foot pursuit consistent with the criteria for initiating a new pursuit.

C. Upon termination of the pursuit, the officer shall immediately notify Communications of his or her location and request assistance if needed.

4.10.6 SUPERVISORS' RESPONSIBILITIES

A. Upon becoming aware of the foot pursuit, the officer's supervisor shall decide as soon as possible whether the pursuit should continue.

B. The supervisor should allow the foot pursuit to continue if:

1. There are at least two officers employing the team concept and there is reasonable suspicion that the suspect has committed an offense, was about to commit an offense, or has an outstanding warrant or order for arrest that would permit the officer to detain the suspect, or;
2. There is one officer conducting the foot pursuit, while having reasonable suspicion that the suspect has committed an offense, was about to commit an offense, or has an outstanding warrant or order for arrest that would permit the officer to detain the suspect, back-up officers are nearby and responding to the pursing officer's location, and the officer is clearly communicating the information within the guidelines of this policy, or;
3. There is reasonable suspicion that the suspect poses an immediate threat to the safety of the public or other police officers, and

4. The pursuit does not violate provisions of this or related department policy, procedures, or training.

C. The supervisor shall terminate a foot pursuit at any time he or she determines that the danger to the pursuing officers or the public outweighs the necessity for immediate apprehension of the suspect.

D. Once the foot pursuit has concluded, the supervisor shall proceed to the officer's location.

E. Any use of force by officers during the pursuit and/or apprehension must be adhered to and documented in accordance with Written Directive 4.1: Use of Force.

4.10.7 INTERJURISDICTIONAL FOOT PURSUITS

A. The pursuing officer should notify the communications center if the foot pursuit leaves the department's territorial jurisdiction and enters an adjoining jurisdiction. Communications personnel will notify the appropriate agencies in the adjoining jurisdiction and request their assistance with the pursuit.

B. No officer should become involved in a foot pursuit being conducted by an outside law enforcement agency unless the officer has legal justification to detain or arrest the person being pursued, or is requested to assist in the pursuit by the originating agency.

By Order Of: Gina V. Hawkins
Digitally Signed

4.11.0 OBJECTIVE

The purpose of this policy is to ensure appropriate use of an event deconfliction pointer system **(RISSafe)**. Event deconfliction, along with the sharing of event and investigative information within the Fayetteville Police Department, other law enforcement agencies, and proper case activation procedures enhance officer safety and the efficiency of criminal investigations. As such, the following policy will be adhered to when executing a planned operation or conducting a high-risk criminal investigation.

4.11.1 DEFINITIONS

Event Deconfliction: Event Deconfliction is the process of determining when law enforcement personnel are conducting events in close proximity to one another at the same time by notifying a central location of a planned event prior to its execution.

Deconfliction: Avoidance of conflicting situations. For example: Preventing situations in which an officer unknowingly interacts with an undercover operation; overlaps with an ongoing investigation; or has information valuable to an investigation that otherwise would not be revealed, etc.

Deconfliction Officer: Any employee who is conducting an ongoing investigation that could be impacted by a conflicting qualifying event by another employee pertaining to a particular person, location, or vehicle.

Deconfliction Submission: A submission/entry, by the Deconfliction Officer, into the RISSafe Deconfliction System.

Qualifying Event: A non-emergency planned iteration or scheduled contact, which includes but is not limited to the following:

1. Service of search warrants;
2. Service of arrest warrants;
3. Buy-busts;
4. Buy walks;
5. Knock and talks;
6. Controlled buys;
7. Prostitution Stings;
8. Informant or face to face meetings with suspects for the purpose of receiving, delivering, or negotiating the receipt or delivery of any contraband;
9. Predetermined surveillance;
10. Covert activity by officers, or by informants acting under the direction of officers, that could initiate a response from citizens or local police who may reasonably believe that a crime is in progress;
11. Any other high-risk or specialized law enforcement activities that would benefit from event deconfliction.

Deconfliction Notification: If a submission results in a potential conflict with an ongoing investigation, The RISSafe watch center will notify both Qualifying Event Submitting officers in order to resolve a conflict in investigations.

Authorized Users and Administrators: Any authorized sworn or civilian user of **RISSafe.**

4.11.2 POLICY

A. It is the policy of the Fayetteville Police Department to engage in Event Deconfliction in an attempt to avoid dangerous confrontations and/or unintentional consequences for law enforcement personnel and

our citizens by entering qualifying events into the ***RISSafe*** system.

B. Event Deconfliction is the process of determining when law enforcement personnel are conducting events in close proximity to one another at the same time. By notifying a central location of a planned event prior to its execution, officers will not unknowingly target or conflict with another law enforcement officer or compromise another investigation. This is particularly important for agencies in concurrent or contiguous jurisdictions that are involved in high risk activities such as undercover operations, surveillances, execution of search warrants, or fugitive apprehensions.

C. When certain elements (e.g. location, date and time) are matched between two or more events/operations, a conflict (or hit) results. Immediate notification is then made by the deconfliction system to the involved agency personnel. The event deconfliction process is a pointer system, alerting officers that they may be operating near one another.

D. When a conflict exists, both Qualifying Event Deconfliction Officers are notified in order for them to determine the nature of the conflict and individually decide the extent to which they wish to share case details.

4.11.3 TARGET AND INVESTIGATIVE INFORMATION DECONFLICTION

A. Event deconfliction applies to geographical conflicts that occur at the same time and in the same proximity. Target and investigative activity deconfliction applies to subjects, gangs, locations, telephone numbers, vehicles, and other investigative information about criminal activity.

B. Upon opening an investigation on any crime, information shall be queried and/or stored through available national, regional, or local systems to determine whether another agency has an ongoing investigation with common investigative information, to reduce parallel investigations and to promote investigative collaboration. If a conflict is discovered in either target or investigative activity, contact shall be made with the other agency to resolve and coordinate issues and information.

All information entered is considered confidential and law enforcement sensitive.

4.11.4 DECONFLICTION SUBMISSIONS

A. Personnel conducting field operations as defined above shall ensure that these operations are submitted into the **RISSafe** event deconfliction system either online or by mobile device application. All operations requiring submission into the event deconfliction system shall be made as soon as information is available, but at least <u>two hours prior</u> to the event taking place, if possible.

B. Information submitted into the **RISSafe** deconfliction system shall include:

1. Date and time of planned operation;
2. Type of operation;
3. Location of the operation, including any staging areas;
4. Information about the suspect(s), including full names, aliases or monikers, date of birth, vehicle information, phone numbers, contraband to be purchased and amount of money involved;
5. Lead and participating agency names;
6. Name and agency of the person entering the operation, including cellular telephone number, along with a secondary point of contact for the operation,
7. Specify the radius of deconfliction (if not preset by the deconfliction system).

C. If a conflict with other law enforcement activity is identified both of the contact personnel will be notified by the **RISSafe** event deconfliction system and/or watch center personnel. Each affected law enforcement entity is responsible for contacting one another and resolving the conflict before taking further action. Investigating personnel must refrain from executing any operations until identified conflicts have been resolved.

D. Unresolved operational conflicts will be immediately referred to command/supervisory level personnel.

E. Any exemption or deviation from this procedure shall be considered on a case-by-case basis and approved only by a command/supervisory level officer.

F. Copies of all case relevant **RISSafe** Event Deconflictions will be included in the case agents file and for supervisory review prior to planned search warrant executions.

4.11.5 TRAINING AND ACCESS

All personnel with assignments that may require them to perform event deconfliction shall receive training enabling them to obtain appropriate security access and to navigate through the event deconfliction system. Training is available through ROCIC (Regional Organized Crime Information Center).

4.11.6 COMPLIANCE

Event deconfliction is a key component of officer safety during planned police operations and high-risk investigations. Consequently, failure to comply with this policy may result in disciplinary action.

By Order Of: Harold E. Medlock
Digitally Signed

5.1.0 OBJECTIVE

To establish a procedure outlining the organization and operations of the Detective Divisions.

5.1.1 ADMINISTRATION

A. The Detective Divisions are comprised of several units that are assigned cases that require further investigation. These units include Homicide, Robbery Aggravated Assault, Narcotics Vice Suppression, Violent Crimes, Property and Fraud, Youth Services, Special Victims, Felony Folder, Cyber Crimes, Forensics and the Victim Advocate. The rank titles used in the Detective Divisions will be the same as those used throughout the department for sworn positions.

B. Police Officers assigned to the Detective Divisions will be referred to as detectives. The salary schedule for sworn positions is the same as all other sworn positions in the department. Detectives will receive clothing allowance.

5.1.2 OPERATIONS

A. Detectives will be utilized to perform preliminary investigation, follow-up investigations and special subject investigations.

B. The Detective Divisions provide 24-hour coverage. Specialized areas including but not limited to Homicide and Youth Services maintain an on-call schedule of detectives.

C. Case Assignment- the Detective Unit Sergeant/Lieutenant will assign the follow-up cases based on the specialized skill, knowledge, and/or ability of the detective.

D. Supervisory Review- the Sergeants in each unit will supervise the investigative process of each investigation assigned to their unit. The Sergeant will review the solvability factors of the appropriate designation within the appropriate time frame established.

5.1.3 TASK FORCE

A. When agency personnel participate in formal, long term, multi-jurisdictional investigative task force(s), the designated task force commander will submit a memorandum to:

1. Identify the purpose of the task force.
2. Define the authority, responsibilities and written agreements.
3. Evaluate the results and continued necessity for the task force.

B. A Captain or Lieutenant will command a task force in most cases, with usually less than 10 officers assigned to each Sergeant. The Task Force Commander will be responsible for ensuring that the tasks listed above are completed.

C. The most important determinant of the task force size is resource availability. The size of the task force will depend on the nature of the problem it is expected to address, the tactics it will employ, the level of available resources and the ability to integrate and coordinate activities with other units.

D. As a member of a task force, the agency may provide personnel, equipment, money, and time to law enforcement task forces as available resources and needs dictate.

E. All personnel assigned to multi-jurisdictional task forces shall engage in communicating officer safety awareness information to and from the department as their assignment allows.

5.1.4 PATROL ASSEMBLY ATTENDANCE

Detectives assigned to the Detective Divisions will periodically attend Patrol assemblies to exchange and disseminate information in reference to wanted subjects, active cases, specific criminal activity in certain locations and any information developed by patrol officers.

5.1.5 REFERENCES

O.P. 5.5	Department Case Processing
O.P. 5.6	Case Management System
O.P. 5.7	Preliminary/Follow-up Investigations and Constitutional Requirements

By Order Of: Gina V. Hawkins
Digitally Signed

5.2.0 OBJECTIVE

To establish guidelines for investigating organized crime, narcotics and vice activities and for gathering, organizing and disseminating information regarding the occurrence of illegal activities within the City by members of the Fayetteville Police Department (FPD) Narcotics Unit.

5.2.1 ASSIGNMENT AND FUNCTION

A. The number of supervisors and detectives will be determined by workload and officers available. Overall supervision of the unit will be the responsibility of the Division Commander. Although the suppression of organized criminal activities is the responsibility of every officer, the Narcotics Unit will have the primary responsibility for investigating these activities.

B. The Narcotics Unit will be responsible for gathering intelligence information, investigating vice and organized crime activities such as gambling, obscenity, prostitution, illegal liquor and legal liquor law violations and narcotic law violations.

C. Drug and Alcohol Testing

1. To ensure the Safety of the public and employees, all sworn officers assigned to the Narcotics Unit will be required to participate in Random Drug and Alcohol Testing. Sworn Narcotics Unit employees, to include the Narcotics Unit Lieutenant will be removed from the City Random pool and a separate Random Pool created for Sworn Narcotics employees.
2. The Drug and Alcohol Program Manager (DAPM), in Human Resources Development (HRD) will conduct the Random Selection in accordance with the City of Fayetteville Substance Abuse policy procedures except that the selection rate for the employees defined above will be:

    a) 100% selection rate for Random Drug testing each year.
    b) 1% selection rate for Random Alcohol testing each year.

3. In addition to the random testing, all employees defined above will participate in a group drug testing pool. The group testing will be determined at the discretion of the Unit Lieutenant and may be conducted up to four times in a year. Each group testing will be 25% to 100% of the Narcotics Unit random pool. Once an employee participates in group testing, their name will be removed from the group testing pool. The purpose is to ensure that 100% of the Sworn Officers in the Narcotic Unit are tested at least once per year.
4. The DAPM will notify the Chief of Police, the Internal Affairs Unit and the Human Resources Director in the event of a positive drug or alcohol test. All documentation of testing results and random lists will be maintained by the DAPM in accordance with City Substance Abuse Policy. All other policies and procedures found in the City Substance Abuse Policy remain in effect for Narcotics Employees.

5.2.2 RESPONSIBILITIES

A. The Division Commander will:

1. Assign personnel to the Narcotics Unit.
2. Relay assignments and investigative requests from other department command staff.
3. Review policies and procedures and make recommendations when necessary.
4. Review all reports submitted by the Narcotics Unit Lieutenant.

B. The Narcotics Unit Lieutenant, or designee will:

1. Make decisions on assignments and investigative requests.
2. Submit monthly reports to the Chief of Police or his designee regarding unit activities.
3. Conduct a case review on all cases.
4. Schedule training in specialized fields and conduct in-service training.
5. Plan work schedules, coordinate special projects, develop mission plans and assign special projects.
6. Maintain records and files.
7. Make case assignments to detectives, review reports and intelligence information and supervise the overall function of the Narcotics Unit.
8. Overall maintenance of confidential funds expenditures and reports.
9. Maintain all confidential funds and coordinate audits.
10. Brief the Chief of Police of any investigations or arrests where the circumstances or incident could generate significant public attention or have a bearing on normal police operations.

C. All Detectives will:

1. Gather and document intelligence information.
2. Develop and maintain information that relates to the specific areas of their assignments.
3. Develop and maintain sources of information.
4. Work to attain the Narcotics Unit's goals.
5. Investigate assigned cases, develop individual cases, arrest suspects and testify in court.

5.2.3 INVESTIGATIONS

A. Complaint Procedure

Written complaints may come from Incident Reports, Information Exchange Forms or Crimestoppers Reports. Complaints may also be generated from tips or verbal reports.

1. Assigned cases as well as information and cases that are developed, will be logged and investigated by the Narcotics Unit. The Narcotics Unit OAII will maintain the log.
2. At the end of each 30-day period, the information from the complaint report will be evaluated. Information of a substantial nature will be filed for quick retrieval.
3. Open cases will be reviewed on an ongoing basis and can only be extended by the Unit Lieutenant or Sergeants at the end of each monthly reporting period.

B. Evaluation and Organization

Prior to starting an investigation, the following factors will be considered:

1. Accuracy of the original intelligence information.
2. The criminal or serious nature of the problem.
3. Importance of the problem.
4. The lead information that exists and investigative techniques that can be used.
5. Available resources and possible operational problems.

After evaluating the information, the case will be investigated, passed to another operational unit of the department for action, or made inactive until further information develops to confirm or disprove the original information.

5.2.4 CONFIDENTIAL FUNDS

The Narcotics Unit will receive, maintain and utilize confidential funds in compliance with the Operating Procedure entitled Confidential Funds and Use of Informants.

5.2.5 FILE SECURITY AND STORAGE

A. All Narcotics Unit investigative information will be assigned a file number and will be cross-referenced by categories, i.e., prostitution, narcotic areas, adult establishments, narcotics subjects, escort services, etc.

B. Supervisors and detectives are responsible for security of Narcotics Unit records. Narcotics Unit records and files will be locked in filing cabinets separate from the Central Records Unit. All confidential information will be filed separately. These files will remain locked when unattended. The keys will be maintained by the Narcotics Unit Supervisor, or designee. Access to the files will be limited to Narcotics Unit and VCU personnel.

5.2.6 DISSEMINATION

Intelligence information may be disseminated to department employees as well as other authorized law enforcement agencies on a need-to-know basis. The following guidelines will apply to the dissemination of information:

A. Department Dissemination

1. Narcotics Unit detectives may disseminate general information. This may be an informal exchange with officers to assist in their daily activities.
2. Information of a sensitive nature may be released upon request after the need-to-know has been established by the Narcotics Unit Lieutenant.
3. Information developed by Narcotics Unit that may be useful to other sections of the department will be forwarded in a timely manner.
4. Information furnished by Narcotics Unit to officers of the Fayetteville Police Department is for department use only. Secondary dissemination of this information outside the department without the approval by the Chief of Police or his designee is prohibited.

B. Outside Dissemination

1. Dissemination of intelligence information to outside law enforcement agencies may be made to enhance cooperation and build good working relationships. This dissemination can be made after the need to know has been established by the Narcotics Unit Lieutenant.
2. Reproduction of intelligence files for outside agencies must be approved by the Chief of Police or his designee. Secondary dissemination of this information is prohibited.

Records of information disseminated, date and justification will be maintained by the Narcotics Unit Lieutenant or designee.

5.2.7 PURGING INFORMATION

A. Information that does not meet the mission or file criteria should be purged immediately to protect the integrity of the system. Records purging will be documented at least once each year. The following guidelines will be used to purge intelligence information.

1. Is the information still accurate, reliable and mission-related?
2. Who has used the information? Was it helpful? Is there still a need for it?
3. Is the information available from other sources?
4. Will there be a need for the information in the future?
5. Can the information be consolidated or summarized?
6. Can the information be transferred into another area?

B. Information that is of little or no value will be purged and destroyed after review by the Narcotics Unit Sergeants and approval by the Narcotics Unit Lieutenant.

5.2.8 LAW ENFORCEMENT LIAISON

A. The Narcotics Unit will maintain liaison between local, state and federal enforcement agencies. Upon authorization of the Division Commander or designee, the Narcotics Unit will assist and participate in any undercover operation, task force or informational exchange meeting. The exchange of routine information will take place on a continuous basis.

B. The Narcotics Unit Supervisor will coordinate special operations, functions and assignments with various units throughout the department. Due to the nature of vice and organized crime operations, resources throughout the department may be used.

C. The Narcotics Unit will maintain a record of information sent to and received from outside agencies relating to vice and organized crime control.

5.2.9 CONFIDENTIAL SOURCES OF INFORMATION AND INFORMANTS

The Narcotics Unit will develop and use informants in compliance with the Operating Procedure entitled Confidential Funds and Use of Informants.

5.2.10 UNDERCOVER OPERATIONS

A. The Narcotics Unit Supervisor must approve all undercover assignments in the Narcotics Unit. Officers will be used to infiltrate organized or suspected organized crime groups only upon approval of the Chief of Police or his designee. Prior to an officer's undercover assignment, the Narcotics Unit Supervisor will ensure that the officer has received the proper training needed to complete the assignment. Undercover operations require close supervision by Narcotics Unit Supervisors.

B. At the beginning of a long-term undercover assignment, the Narcotics Unit Supervisor will:

1. Develop procedures to identify, analyze and contact suspects. Contact will be made with the suspect in the most feasible way possible to include the use of an informant.
2. Ensure the detective's presence in the area is not unusual.
3. Analyze the target areas where detectives will work. Determine what persons or situations exist in the area that would endanger the security of the operation.
4. Prepare false identity, credentials and a cover story. A detective's false identity will be held confidential and will be released on a need-to-know basis.
5. Establish procedures for supplying undercover detectives with the necessary equipment or money.
6. Identify procedures for establishing routine as well as emergency communication.
7. Review legal considerations, including entrapment. When necessary, the Police Attorney will be consulted.
8. Discuss methods of arrest and use of back up officers. When a violation of law has occurred and the elements of the criminal offense have been met, appropriate action will be taken. No operation should be attempted without providing back up security for the detective.

5.2.11 DECOY OPERATIONS

Decoy operations are conducted by disguising an officer or detective to resemble a victim of a particular crime that has become a crime trend. When the need arises, the Narcotics Unit may conduct decoy operations in the area of vice and organized crime control. The Narcotics Unit Supervisor will closely supervise decoy operations. The following guidelines will apply to all decoy operations:

1. The Division Commander or designee must approve all decoy operations.
2. Prior to beginning the decoy operation, the Narcotics Unit Supervisor will plan and establish the operational guidelines. The following issues will be addressed:

    a) Analyzing victims, crimes and crime locations to include time of day and week and type and age of persons being victimized.

b) Disguising officers to resemble victims or participants.
c) Determining the number of back up officers for security and protection.
d) Developing operational procedures for observation and arrest.
e) Legal considerations, including entrapment. The Police Attorney will be consulted when necessary.
f) Identify any sound monitoring device used by the decoy and who will monitor the device. Everyone involved must be able to maintain communication during the operation and know what radio channel will be used.
g) Predetermine markings worn by the decoy officer and identification signals for making an arrest.
h) Notification of the on-duty supervisor of the affected area.

5.2.12 SEARCHES AND SURVEILLANCE

The Narcotics Unit will conduct searches in compliance with the Operating Procedure entitled Search Warrant Execution. The Narcotics Unit will conduct surveillance in compliance with the Operating Procedure entitled Surveillance.

5.2.13 MEDICATION DROP BOX PROCEDURES

A. The FPD provides secure drop boxes located in the lobby of the Police Administration Building and the Cross Creek District for citizens to dispose of unused prescription medications and over the counter drugs in a safe and secure manner. The drop boxes are marked with instructions identifying both acceptable and unacceptable items to be placed in the box for disposal. The Narcotics Unit will be responsible for the security, accountability and disposal of items in the boxes. The boxes are secured to the floor and remain locked at all times. The keys are under the control of the Narcotics Lieutenant and maintained in a secure key box within the unit. The Narcotics Interdiction Unit Supervisor will assign detectives to empty the boxes periodically following the listed guidelines:

1. Separate medication into like items.
2. Empty all pill bottles and redact personal information, recycle pill bottles.
3. Do NOT empty liquids or gels.
4. Weigh each evidence container and annotate the weights.
5. Obtain an OCA for "found property" and complete appropriate forms for submission to evidence section and document for immediate destruction.

B. The total weight of medication recovered will be included in the unit's annual report to determine the level of usage from year to year.

REFERENCES

O.P. 4.2	Search Warrant Execution
O.P. 4.3	Surveillance
O.P. 4.7	Special Operations
O.P. 5.8	Confidential Funds and Use of Informants

By Order Of: Harold E. Medlock
Digitally Signed

5.3.0 OBJECTIVE

To establish guidelines for collecting, processing and sharing of suspicious incidents and criminal intelligence relating to criminal and homeland security activities. All personnel, regardless of their jobs, have a role in criminal intelligence gathering and the sharing of information.

5.3.1 DEFINITION

Criminal Intelligence Information: Data which has been evaluated to determine that is relevant to the identification of and the criminal activity engaged in by an individual or organization which is reasonably suspected of involvement in criminal activity, and meets CI system submission criteria.

5.3.2 FUNCTION

A. The criminal intelligence function is primarily carried out by, but not limited to the Narcotics, Gun and Gang Violence Unit (GGVU), the Crime Information Center (CIC) and the Joint Terrorist Task Force Investigator. Subject to standards and procedures specified by FPD policies and all other limitations imposed by law, those assigned to the Criminal Intelligence function are responsible for:

1. Establishing and maintaining liaison with Bureau Commanders and Captains in order to develop a meaningful exchange of information regarding criminal activity.
2. Providing necessary information to support FPD operations and coordinating with all federal, state and local law enforcement agencies.
3. Initiating inquiries and conducting investigations to obtain criminal information relating to organized criminal activity that presents a threat to the safety and welfare of the community to include:

    a) Civil disorders
    b) Subversive activities
    c) Extremist Groups
    d) Hate Groups
    e) Gang activity
    f) Repeat Offenders
    g) Terrorism
    h) Other Criminal Activities in violation of NCGS

4. Developing and maintaining a system for reviewing, storing, referencing, collating and retrieving information to support tactical law enforcement operations and the development of strategic information.
5. Developing analytical capabilities to provide useful information reports, both strategic and tactical.
6. Maintaining the integrity and security of all criminal intelligence information files in a secure location.
7. Adhering to ethical police procedures in obtaining information.
8. Participating in programs to assist federal, state and local law enforcement agencies or task forces in detecting, gathering and exchanging information pertaining to criminal and homeland security activities. A designated detective will be appointed to represent the FPD at selected functions, conferences, meetings or seminars that are related to intelligence.
9. Maintaining a record of information sent to and received from outside agencies relating to individuals and groups suspected of being involved in criminal or homeland security activity.

5.3.3 RESPONSIBILITIES

Employees assigned to conduct the Criminal Intelligence activities will:

1. Submit timely responses for requests for information and applicable reports to memorialize CIC activities to the Chief of Police and Bureau Commanders on information relating to organized criminal and homeland security activities.
2. Maintain records and files.
3. Gather and document criminal intelligence information and internal investigative products related to persons, subjects, locations and events.
4. Develop and maintain information related to specific areas of their assignments.
5. Develop and maintain sources of information.
6. Know and understand the goals and objectives of the FPD and work to attain them.
7. Investigate assignments, develop individual cases, arrest suspects and testify in court.
8. Periodically conduct training and or classes to various Law Enforcement and Community based organizations.

5.3.4 CRIMINAL INTELLIGENCE INFORMATION FILES

A. Criminal Intelligence Information files will be maintained by the CIC and will be filed by person, subject or location. The current file system is housed in the CIC and consists of a Share Point with access granted to CIC employees only. The CIS may also include submissions to CrimeNtel and PenLink. Supervisory personnel assigned to the CI function within the FPD will also be responsible for validation and purging of data stored in CrimeNtel and other applicable systems that may be identified for future use.

B. Any Criminal Intelligence Information developed that is useful to another operational unit of the FPD will be documented, logged and filed. The information will be forwarded to that unit as soon as possible either orally or in writing.

C. Information developed by the JTTF Investigator through their work with the JTTF will be maintained according to FBI for the task force. The investigator assigned to the JTTF requires a security clearance as well as security clearances for those personnel on the department who are briefed by the JTTF.

D. Federal Guidelines Governing Criminal Intelligence Systems (CIS)

The CIC will maintain a Criminal Intelligence System (CIS) and Intelligence Records by the following methods. These methodologies mirror the guidelines set out in Title 28 Code of Federal Regulations Part 23, which states in part:

E. 28 FCR 23.2: Background

Because the collection and exchange of intelligence data necessary to support control of serious criminal activity may represent potential threats to the privacy of individuals to whom such data relates; policy guidelines are required for each program/agency.

F. 28 FCR 23.3: Applicability

1. CIS means the arrangements, equipment, facilities, and procedures used for the receipt, storage, interagency exchange or dissemination, and analysis of CI information.

2. Validation of information means the procedures governing the periodic review of CI information to assure its continuing compliance with system submission criteria established by regulation or agency policy.

G. 28 FCR 23.20: Operating Principles

1. The CIC or other functional areas of the FPD shall collect and maintain CI information concerning an individual **only** if there is reasonable suspicion that the individual is involved in criminal conduct **or** activity and the information is relative to that criminal conduct or activity.

2. The CIC or other functional areas of the FPD will not collect or maintain CI information about political, religious, or social views, associations, or activities of any individual or group,

association, corporation, or other organization **unless** such information directly relates to criminal conduct or activity and there is reasonable suspicion that the subject of the information is or may be involved in criminal conduct or activity.

3. Reasonable suspicion or Criminal Predicate is established when information exists which establishes sufficient facts to give a trained law enforcement officer, criminal investigative agency officer, investigator, or employee a basis to believe that there is a reasonable possibility that an individual or organization is involved in a definable criminal activity or enterprise.

H. Information Requests

1. Requests for Information (RFIs) to the CIC will be handled as outlined in the CIC Policy.

2. Law Enforcement Officers will be authorized access to disseminated products at the discretion of the requestor, the Chief or Police, or his designee. All requests from outside agencies will be approved for work-up by the Chief of Police or his designee.

3. Requests received from the public, to include community watch groups, will be handled on a case by case based with prior approval of the Chief of Police or his designee. Products of this nature will not include information regarding Law Enforcement Sensitive (LES), or data otherwise prohibited from disclosure by State or Federal Statutes.

I. Data Products

1. Data products regarding CI will generally be completed and saved in PDF format to eliminate changes after the product is produced. CI will be marked to indicate levels of sensitivity and/or levels of confidence. All products will be marked in the following manner: The Criminal Nexus will be identified to satisfy the Operating Principles set out in 28 CFR Part 23. Most products will be considered UNCLASSIFIED//LAW ENFORCEMENT SENSITIVE (LES) and is subject to the dissemination guidelines set out herein.

2. Data products will then be stored in the CIC Share Point, CrimeNtel, and of PenLink systems for retention, review, and eventual purging/deletion according to guidelines set out herein.

J. Information Dissemination

1. The CIC or authorized recipient of CI information shall disseminate that information **only** where there is a **need to know** and **a right to know** the information in the performance of a law enforcement activity.

2. The CI policy is intended to bar unauthorized access to CI and protect against intentional or unintentional modification or damage. Records will be maintained regarding who the information has been given to, the reason for the release of the information, and the date of such dissemination **outside** of the FPD.

3. Data Products generated by the CIC will be returned to the FPD personnel requesting the information only. In this way, informational integrity is maintained and the data can be applied using best practices for investigative purposes. Wide-scale dissemination will only be accommodated at the request of the Chief of Police or his designee.

K. CI Records Review, Access, and Purging Guidelines

1. The CIC shall ensure that administrative, technical, and physical safeguards (including audit trails) are adopted to insure against unauthorized access and against informational content damage. The CIC Supervisor, the Chief of Police, or his designee will establish and inquirer's need to know and right to know CI prior to dissemination **outside** the FPD.

2. The CIC Supervisor, Chief of Police, or his designee may promulgate rules or regulations based on good cause for implementing the FPD's responsibility to screen, reject for employment, transfer, or remove personnel authorized to have direct access to the CI Records System/Facilities.

3. The CIC may store CI in remote (off-premises) system data bases to the extent that they comply with Title 28 FCR Part 23 requirements.

4. The CIC will ensure the CI retained has relevancy and importance. The CIC will conduct a periodic review of information and authorized destruction of any information which is misleading, obsolete or otherwise unreliable. Any information retained as a result of this review must reflect the name of the reviewer, date of review, and explanation of decision to retain. Information retained in the system must be reviewed and validated for continuing compliance with system submission criteria before the expiration of its retention period. Records review will be documented at least once a year. The following guidelines will be used to evaluate information that may be purged.

    a) Is the information still accurate, reliable and mission related?
    b) Was the information used? Is there still a need for it?
    c) Will there be a need for the information in the future?
    d) Can the information be consolidated or summarized?

5. Criminal intelligence information that is of little or no value will be purged and destroyed after review and approval by the CIC Supervisor, the Chief of Police, or his designee.

6. In no event will documents retained in the CIS be retained longer than **five (5) years** unless it remains pertinent at the time of that review. Any record that is updated over time will have the maximum review/retention period extended from the date of the last update or submission to the file.

7. Any entity outside the FPD receiving CI from the CIC must be advised of these review and retention guidelines.

8. There will be **no** direct remote (off-premises/Virtual Private Network or VPN) terminal access to CI available to system participants

9. Harassment or interference with any lawful political activities as part of an intelligence operation is specifically prohibited.

10. Unauthorized access, use, or dissemination of CI is subject to disciplinary action, up to and including termination.

L. CIC Document and Email Classification

1. Data products associated with CI will generally be classified in two (2) ways. Data products generated by employees responsible for CI gathering will include products required to be retained under (1) Title 28 CFR Part 23 Guidelines and products generated strictly as (2) Internal Investigative Products.

    a) Documents filed under Title 28 CFR Part 23 guidelines will generally include data products that constitute CI. These are defined as intelligence gathering that does not have a link to a specific past event or trend that has been documented by the FPD. An example would include a request for information (RFI) on the development of a list of potential suspects that may be involved in criminal activities, but the evidence and/or probable cause to charge such persons has not been identified or discovered. Any such inquiry that ultimately results in criminal charges will be updated and maintained as CI. This classification would include information regarding unspecified gang, organized crime involvement, or other unsubstantiated suspicious activity that arises at least to the level or Reasonable Suspicion that such persons or entities are involved in criminal activity. These products will be marked with the following U//LES, “Title 28 CFR Part 23”, and the reasons for collection, as well as the requestor’s name.

    b) Documents filed as an “Internal Investigative Product” DO NOT trigger Title 28 retention guidelines and are instead, an internal use document of the FPD that may be retained indefinitely. An example would include an RFI that is related to a documented past event that

is being actively investigated by the FPD. This type of data product would pertain, for instance, to a profile on a developed person, group of persons/associates, or entity that is tied directly to an investigation. These products should be memorialized in the associated case file. These products will be marked with the following U//LES, "Internal Investigative Product", at least one associated case file number, as well as the requestor's name

c) All products will generally be classified throughout in the following manner: UNCLASSIFIED//LAW ENFORCEMENT SENSITIVE (U//LES) if they pertain to CI or ongoing departmental criminal investigations (to include details of investigative techniques). Dissemination will be regulated using the following caveat.

d) LES marked products include correspondence/documents related to specific law enforcement techniques and practices as well as all emails containing CI as described herein. This type of correspondence/document should only be shared within the federal government and with law enforcement/public safety organizations and may not be further disseminated. It cannot be used in legal proceedings without the consent of the originator.

2. Furthermore, email transmissions or training documents may contain information that is LES and/or For Official Use Only (FOUO). This type of correspondence deals with internal information that is pertinent to City of Fayetteville personnel actions and practices. Dissemination will be regulated using the following caveat:

3. FOUO marked correspondence/documents include correspondence related to internal personnel actions and practices of the FPD and should only by disclosed to local, state, tribal, and federal government employees on a need to know basis.

5.3.4 INVESTIGATIONS

A. Criteria

1. Is the activity crime or homeland security related?
2. Is there a legitimate and reasonable belief that the activity may become crime or homeland security related in the future?
3. Is there a reasonable suspicion that there are undetected crimes being committed by an individual or group?

B. Evaluation and Organization

Once criminal intelligence information is developed by employees outside the CIC it will be sent to the CIC Supervisor for evaluation and classification based on content. Sensitive Narcotics or GGVU related CI will be vetted by the appropriate supervisors and maintained according to policy guidelines set out herein. If the information is mission related and meets the threshold for inclusion in the CIS, the information will be disseminated to the appropriate investigative functional area for action, or placed in an inactive file awaiting further information to confirm or disprove the original information. If the information is later determined to be irrelevant, inaccurate or improper the information will be purged.

1. To facilitate an orderly flow of information, all employees will report intelligence information in a timely and appropriate manner in the most efficient and appropriate format to the CIC for evaluation.
2. When this information is received it will be evaluated by the CIC Supervisor and, if necessary, verified by an assigned detective or analyst. If the information meets the criteria for inclusion in the CIS, the information will be logged and filed. If the information constitutes an Internal Investigative Product, it will be forwarded to the appropriate functional area/investigator for follow up.

5.3.8 TRAINING

A. All civilian personnel will receive entry level training on criminal intelligence gathering and dissemination which will be documented during new hire in-processing with the Specialized Services Bureau. This training will be provided by the immediate supervisor and will be documented on an in-service training report.

B. Training materials will be provided with the in-processing paperwork. The NC BLET curriculum provides this training for sworn personnel during the training academy. Personnel assigned to the Criminal Intelligence Function will receive documented training on the duties and responsibilities, policies and procedures involving criminal intelligence function upon initial assignment to the Unit. Personnel will receive advanced training when it is available. Refresher training will be conducted at the discretion of the unit supervisor.

5.3.9 REVIEW OF PROCEDURES AND PROCESSES

Supervisors assigned to CI functional areas of the FPD and having CI responsibilities will conduct a documented annual review of the FPD criminal intelligence functions, procedures and processes. This review will be included in applicable reports and will include any recommendations for changes in procedures or processes.

By Order Of: Harold E. Medlock
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **5.4**
	Subject **VICTIM ASSISTANCE PROGRAM**	**Effective Date** 26 March 2025
	Revised 12-09-92, 08-06-96, 03-29-96, 01-21-97, 02-25-02, 11-12-13, 02-20-14	**Page** 1 of 3
	CALEA Standard 22.1.5, 55.1.1, 55.2.2, 55.2.3, 55.2.4, 55.2.5	

5.4.0 OBJECTIVE

To establish procedures for the Victim Assistance Program.

5.4.1 ORGANIZATION AND GOALS

A. The Victim Advocate is assigned to the Investigative Bureau. Community volunteers may be utilized when available.

B. The goal of this program is to provide services that will assist victims and survivors of criminal acts with their physical and emotional recovery. Furthermore, the VA will support and aid victims and survivors as they continue to interact with the criminal justice system. In accordance with the North Carolina Fair Treatment General Statute 15A-825, the Police Department is committed to the extent that it is reasonably possible to ensure each victim is provided certain services and rights. All victims of crime will be treated with respect, fairness, compassion and dignity.

5.4.2 RESPONSIBILITIES

A. General

The Victim Advocate is responsible for administering and coordinating the agency's role in victim assistance, overseeing specific case assignments, case follow up and providing direct services to victims. Volunteers may be used to assist with administrative duties, which will be coordinated by the Victim Advocate.

B. Victim Contact

The Victim Advocate will conduct a daily review of all criminal incident reports on domestic assaults, sexual assaults, kidnapping, armed common-law robbery, homicides and aggravated assaults, that are generated from calls for service from the previous day and evening. Victims will be contacted by telephone when appropriate. The Victim Advocate will mail a packet of information to the victim(s) relevant to their particular needs.

5.4.3 TRAINING

Department employees will receive an orientation class covering the Victim Assistance program to include: its impact in the community, services offered, special issues, sensitivity training and policy and procedures. The Training and Education Center will be responsible for all instruction and training for employees.

5.4.4 CONFIDENTIALITY AND SECURITY

A. All services provided by the Victim Advocate that pertain to the victim and their role in the investigation and prosecution are confidential. Information will not be discussed or revealed to anyone other than appropriate FPD personnel, the District Attorney's Office or other service agency involved in the victim's care.

B. Files maintained by the Victim Advocate will be kept in a locked file cabinet in the Victim Assistance office. Access will be available to VA personnel, supervisors and the Internal Affairs Unit.

5.4.5 FUNCTIONS

A. When budget provisions allow, the Victim Advocate will provide crisis intervention assistance, transportation and assistance with the crime victim's compensation process. Referral information regarding other services that are available in the community such as emergency food, clothing, shelter, and financial assistance and counseling will also be provided.

B. The Victim Advocate will explain the criminal justice system and the victim's role in the process. This includes providing names and telephone numbers of the assigned detectives, OCA number, and personnel to contact at the District Attorney's office so the victim may give or receive further information.

C. The Victim Advocate will, on a case-by-case basis and when available, accompany victims to provide information and emotional support during law enforcement, court and medical procedures. This includes line-ups, interviews, and other required appearances, based on the victim's availability.

D. The Victim Advocate will assist victims in retrieving personal property that may have been taken as evidence during an investigation with the exception of weapons used to facilitate a crime, disputed property and any illegal contraband. Release of evidence will be done in accordance with the Operating Procedure entitled Evidence and Property Management.

E. The department may provide assistance for victims that are intimidated, harassed or threatened. The Victim Advocate will procure the appropriate services, i.e. shelter, counseling and/or referral information regarding victim compensation benefits, the Victim Impact System and employer/creditor intervention.

F. If the Victim Advocate becomes aware of a victim of this nature, the reporting officer or detective assigned to the case will be notified for enforcement purposes. The officer or detective will notify the District Attorney's office. If the victim is from another jurisdiction, FPD personnel will notify the agency with jurisdiction and make them aware of the complaint.

G. At their request, victims will be provided with information reference probation and parole hearings and the release of the defendant. A case status form and Crime Victims' Rights Act Victim Information Sheet (AOC-CR-180B) will be given to victims at the time they report the incident. This will give the victim an avenue to provide additional information about the case or to receive information regarding the status of the case.

H. Victims in need of medical attention, counseling and emergency financial assistance may receive referral information 24 hours a day by contacting the Tele-Serve Unit. Tele-serve can contact the on-duty Patrol Supervisor for additional assistance.

I. Victim Assistance services are available to all department personnel and their families in the event an officer dies in the line of duty or is seriously injured.

5.4.6 DOMESTIC VIOLENCE CASES

A. In addition to regular hours, the Victim Assistance personnel will be on call during off duty hours for the purpose of responding to domestic violence incidents which are of a unique manner, requiring immediate specialized referrals. The on duty Lieutenant may request the Victim Advocate to assist a victim of domestic violence as described in N.C.G.S 50B-1. The Victim Advocate will provide immediate on scene crisis intervention and a walk through of all the options available to the victim.

B. The Victim Advocate may transport victims to the Magistrate's Office, the Courthouse and/or other necessary agencies.

C. If the impact of a crime on a victim has been unusually severe and has triggered above average needs, the Victim Advocate will periodically contact the victim to determine if their needs are being met.

5.4.7 PUBLIC RELATIONS

A. The Victim Advocate will be the liaison to other criminal justice agencies; government and non-government organizations concerned with victims' needs and rights.

B. Survey

The Victim Advocate will conduct an annual survey either by telephone or through the mail. The purpose of this survey is to identify:

1. The extent and major types of victimization within the Fayetteville Police Department jurisdiction.
2. Service needs of crime victims and survivors of crime with emphasis on special victims, i.e. domestic violence victims, child abuse victims, elderly victims and sexual assault victims.
3. Any Victim Assistance needs in the service area of Fayetteville Police Department that are not being met.

C. The survey will consist of three parts:

1. A monthly printout of crimes and victimization that have occurred within the Fayetteville Police Department service area that will be used for selecting survey candidates.
2. A questionnaire to be completed by telephone or by mail that will be administered on a monthly basis to at least ten crime victims from all categories of victimization.
3. Problems detected at any time during the return of the survey must be addressed immediately. If a problem involves another Division, the Victim Advocate will contact the Detective Division Commander. If new programs are developed, or old ones revised as a result of these findings, they will be forwarded to the Special Investigative Division Commander.

D. An annual report of combined analyses will be submitted to the Major Crimes Division Captain.

E. Public Awareness

The Victim Advocate or designee will periodically address the public through speaking engagements to community groups, the media and through public events such as Victim's Rights Week.

5.4.8 REFERENCES

OP 6.02	General Property Management
N.C.G.S. 15A-825	Treatment due victims and witnesses
N.C.G.S. 50B-1	Domestic Violence
N.C.G.S. 15-A-831	Responsibilities of Law Enforcement Agency

By Order Of: Kemberle Braden, Chief of Police
Digitally Signed

5.5.0 OBJECTIVE

To establish a standardized system for processing Crime/Incident Reports taken by Fayetteville Police Department (FPD) employees from initiation through final disposition.

5.5.1 REPORTING PROCESS

A. Crime/Incident Reports originate in the following manner.

1. A citizen can report a crime, complaint or incident to an employee of the FPD.
2. Citizens can file a police report using the FPD's on-line reporting process through www.faypd.com and follow the guidelines provided.
3. An incident or crime occurs and results in an officer/detective being dispatched.
4. An employee of the FPD reports a crime or incident he/she personally observes.

B. Upon notification that a crime or incident has occurred:

1. Communications will be notified and an OCA number will be assigned to the report or Tele-serve completes the report and assigns an OCA number.
2. This number becomes the assigned case number in the FPD and will be affixed to all reports and documents concerning this case.
3. All reports will be completed and forwarded to the employee's immediate supervisor for review and approval.
4. Day Shift Sergeants from each patrol district will review and approve police reports submitted during the shift by officers/detectives for accuracy and completeness. Review frequency should be set to allow sufficient time for reports to be returned to the officer/detective for correction and/or additional information when necessary prior to the officer going off-duty.
5. Central Record Unit (CRU) Supervisors are responsible for reviewing and approving police reports taken during the shift by Tele-Serve Clerks. Day shift sergeants will review and approve missing persons reports taken by Tele-Serve Clerks. In the absence of a CRU Supervisor, the Day Shift Sergeant is responsible for approving all reports taken during the shift by the Tele-serve clerks.

5.5.2 SUPERVISOR, WATCH COMMANDER & SECTOR LIEUTENANT RESPONSIBILITES

A. Patrol supervisors are responsible for the overall supervision, control and administration of personnel on their shift. They will review and approve reports generated during their shifts and confirm that all reports are submitted to the CRU at the end of each shift. All reports will be reviewed by the Patrol Supervisor or their designee(s) to verify the reports are detailed, accurate, legible and complete according to established policies and procedures.

B. Only when extenuating circumstances exist will reports be held and not turned in to CRU at the end of an officer's duty day. The on-duty patrol supervisor, or Sector Lieutenant who authorized the hold over of the report will be responsible for ensuring the report is reviewed, approved and submitted to CRU the next duty day.

C. The patrol supervisor or his designee will place the proper UCR code number on the original report for handwritten reports. This code number is extremely important and must be accurately reported as all crime statistics are retrieved from the computer using this code number. They will indicate the case status as further investigation, inactive/open, closed/cleared, and check the appropriated case disposition. The patrol supervisor retains the responsibility for these actions even when performed by a designee.

D. The Patrol District Sector Lieutenants are responsible for misdemeanor follow up investigations and case management activities for their assigned supervisors/officers. The Sector Lieutenants will assign, monitor and note the final disposition of cases using MFR/RMS Investigator Dashboard.

5.5.3 CENTRAL RECORDS

A. CRU Clerks will remove reports from the appropriate box located on the back counter of CRU and make necessary copies. All felony cases are forwarded to the Investigative Division through OSSI Investigator Dashboard. Detective Sergeants/Lieutenants will review for investigative assignment.

B. Original crime, supplemental, and continuation reports are reviewed and assigned in OSSI's One Solution Records Management System (RMS) utilizing the "Follow up Unit" field.

C. Most Reports are entered into the FPD's computer system via MFR/RMS by the reporting officer/employee. CRU clerks will enter all hard copy reports received into the FPD's computer system in compliance with the Operating Procedures in Chapter 8-Records.

D. CRU is responsible for the retention of records according to schedules set by the State of NC Department of Cultural Resources. Disposition of records by the Central Records Unit is in accordance with NCGS 121-5 and the Operating Procedure entitled Records Retention Schedule.

5.5.4 DEPARTMENTAL CASE ASSIGNMENT

A. The supervisor reviewing/approving the initial report will assign the case to the appropriate unit. Once assigned, the Detective Lieutenant/Sector Lieutenant will have overall responsibility to ensure accountability for each case.

B. The supervisor reviewing the initial report will identify the case to be worked by the Investigative Division or Patrol Division and will also consider the following:

C. Solvability Factors

1. Can a suspect be named?
2. Can a suspect be identified?
3. Can a suspect's vehicle be identified?
4. Was there a witness to the offense(s)?
5. Is stolen property traceable?
6 Was there significant physical evidence collected?
7. Were fingerprints lifted?

D. Divisions/Unit Assignment:

1. Detective Divisions

   a) Crimes against persons including murder, rape, robbery, burglary, and felony assault.
   b) White-collar crimes including forgery, fraud, embezzlement, and identify theft.
   c) Any other crimes that constitute a felony offense under North Carolina law not assigned elsewhere.
   d) Juvenile violations.
   e) Domestic assaults and other crimes that require Victim's Advocate follow-up.
   f) Cases which constitute a high degree of public interest or negative reaction.
   g) Crime which involves a sensitive or unusual place or person.
   h) A pattern of sex crimes in an area which points to a single individual or group.
   i) A number of similar crimes in a specific area.
   j) Crimes against property such as felony larceny, breaking and entering, motor vehicle thefts and arson.
   k) Crimes involving illegal use, possession or dale of firearms.
   l) Cases involving pornography, bomb threats, extremist groups, computer/internet related crimes and child pornography.

2. Patrol Division Officers

a) Misdemeanor cases not assigned to a specialized unit that contain solvability factors such as misdemeanor larcenies, and shoplifting.
b) Felony investigations and other cases will be assigned dependent upon circumstances.

3. Violent Crime Unit (VCU) - Cases involving weapons, narcotics, gangs, liquor law violations, prostitution and weapons violations.

4. Human Trafficking Unit – Cases involving human trafficking, prostitution diversion, etc.

4. Narcotics Unit - Cases involving the investigation of ongoing narcotic activity, or liquor law violations.

5. Crime Prevention - Cases that relate to or are assigned to Crime Prevention and for security surveys, Video Done Right, etc.

6. Patrol Support Unit

a) Traffic Unit cases involving motor vehicle accidents, hit and run, abandoned vehicles, registrations of vehicles, traffic related problems, review of at-fault officer involved collisions, etc.
b) Cases that are handled by NIT.
c) Electronic Monitoring cases involving violation by offenders on electronic monitoring.

5.5.5 RESPONSIBIITIES

A. For cases assigned to detectives, it will be the responsibility of the Detective Sergeant/Lieutenant to ensure that each case is assigned to an individual detective, monitor the progress of the case and ensure accountability of the cases. The primary detective will receive assistance from other detectives when necessary.

B. For cases assigned to Patrol Officers, it will be the responsibility of the Patrol Sergeant/Sector Lieutenant to assign cases to an appropriate officer for follow-up investigation, monitor the progress of the case and ensure accountability of the cases.

C. Each Officer/Detective will properly investigate each case assigned to them. They will be held accountable for the in-house disposition of each case, and preparation of the case file to present to the District Attorney.

D. Upon completion of an investigation, the report and/or other pertinent information will be forwarded to the supervisor for review. The reviewing Sergeant/Lieutenant is responsible for ensuring that a final disposition on each case is updated in RMS using the administrative designators in the system; closed/cleared, further investigation, or inactive/open.

E. Should the District Attorney dismiss or decline to prosecute due to alleged detective mishandling, the case will be reviewed. This review will determine if any error was made and what improvements can be made in the investigative process.

5.5.6 REFERENCES

OP 5.6 Case Management System
OP 5.7 Preliminary/ Follow-up Investigations and Constitutional Requirements

By Order Of: Harold E. Medlock
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **5.6**
	Subject **CASE MANAGEMENT SYSTEM**	**Effective Date** 29 May 2026
	Revised 10-03-88, 09-30-93, 03-09-94, 02-25-02, 12-23-10, 01-22-14, 10-15-15, 09-18-23	**Page** 1 of 3
	CALEA Standard 41.2.5, 41.2.6, 42.1.2, 42.1.3, 42.2.2, 82.3.5	

5.6.0 OBJECTIVE

To establish guidelines for case management and accountability of cases assigned to officers.

5.6.1 DEFINTIONS

Supervisor- any member of the department with a rank of Sergeant or higher.

Officer- any sworn member of the department below the rank of Sergeant.

5.6.2 CASE ASSIGNMENT

A. Supervisors will assign and maintain their officers' case assignments in the department's computer system. Case assignments will be logged daily by the supervisor into RMS by entering the following information:

1. Fake last four digits assigned to the officer, which automatically generates the officer's name.
2. When the OCA number assigned to the case is entered into RMS, the date of case assignment and case information is automatically generated.
3. Offense description.

B. The supervisor will review case information and case status with their officers. Supervisors are responsible for reviewing the Departmental Monthly report that is completed and disseminated by Administrative Bureau following the end of each month.

5.6.3 CASE CONTROL AND REVIEW

A. Supervisors will be responsible for control and review of cases assigned to officers. Supervisors will keep their Chain of Command informed on the progress of the cases. Case review will be conducted monthly by the unit supervisor on all open cases for the officers assigned to the respective supervisor.

B. Lieutenants are responsible for ensuring that case review is conducted monthly between supervisors and officers and ensuring that assigned cases are being investigated and closed in a timely manner.

C. Each case assigned to an officer will be kept in an individual file folder (or an individual electronic file folder). Victim's name, address, crime, and the OCA number will be stored in the electronic file folder. As much of the following information that is applicable to the case will be included in the folder:

1. Investigative contact sheet.
2. Felony Folder Table of Contents (serves as a checklist for the investigating officer).
3. Incident report and supplemental/continuation reports.
4. Witness statements.
5. Arrest records of each defendant.
6. Arrest records of all victims and witnesses.
7. Arrest reports.
8. Statements of each defendant with right forms.
9. Copies of all documents to be used as evidence.
10. Copies of line-ups.
11. Photographs.
12. Crime scene diagrams.

13. Medical reports.
14. Accident reports.
15. Vehicle storage receipts.
16. Copies of all search warrants/consent to search forms.
17. Copies of all request forms sent to SBI lab.
18. Information on pending charges for each defendant.
19. Any other written materials necessary to document any aspects of the investigation (to include any Forensic documentation and/or any documents stored in Central Records Unit).
20. Everbridge Notification
21. Any departmental dailies or nightlies.
22. CAD Reports.
23. Relevant Compstat slides
24. Text messages about the case/incident

D. Cases assigned for active follow-up investigation will be administered as follows:

1. The assigned officer will contact the victim as soon as possible after the incident but no later than three working days. Secondary contacts will be made with witnesses or any other persons involved in a case.
2. The assigned officer will submit a supplemental report in RMS/MFR documenting the investigative steps taken as a result of the follow up investigation and will include their recommendation for the disposition of the case. After a review of the supplemental report, the supervisor will designate the case to be inactive, open, cleared by arrest, exceptionally cleared, unfounded, located (runaway/missing), warrants advised, or warrants obtained.

E. Felony investigative files will be completed and submitted to their immediate supervisor within 30 days of obtaining the warrant for arrest. The completed folder must be turned in by the reviewing supervisor in a timely manner. Due to the nature of Homicide investigations, this section of this policy does not apply.

F. As cases are inactivated, all investigative file information will be forwarded to the Central Records Unit (CRU) and will be scanned for archive storage.

G. During the active status of a case, all information relevant to the investigation will be kept within the case file to ensure accessibility to supervisors in the absence of the assigned officer.

H. Supervisors will reactivate inactive cases in RMS by assigning the case to an officer for follow-up when information or evidence comes available that would necessitate the reactivation of the case.

5.6.4 YOUTH SERVICES CASES

A. The supervisor for Youth Services reviews reports involving juveniles and determines appropriate case assignment.

B. Information concerning juveniles will not be made available to the public unless the juvenile is missing.

5.6.5 VICTIM NOTIFICATION

A. Officers will notify victims when a case is inactivated or closed.

B. Supervisors will review cases to ensure proper notification is made to a victim whose case is inactivated or closed by arrest.

5.6.6 FELONY FOLDERS

A. Supervisors will review all felony folders for completeness and accuracy prior to submission to the

District Attorney's Office.

B. Supervisors will maintain a Felony Folder Log via RMS Warrant Module. The Warrant module will be used to enter all felony arrests and/or magistrate order's which will document: issuance date, issuing magistrate, received date, charges, counts, type of charge, docket number, status, date entered, name of officer, name of suspect, race, sex, date of birth, age, address (must match warrant), physical descriptions of suspect, OCA#, offense date, name of officer, location of first appearance, and issuing magistrate's name. For additional charges click on the charge tab and enter all other charges. On page 2 of the warrant module in the notes field enter "FELONY FOLDER". The "EXP Date" on page 1 will be completed once the felony folder is submitted and approved by a supervisor.

If the warrant needs entered into DCI/NCIC then the DCI Clerk will complete the RMS Warrant Module.

5.6.7 CASES RECOMMENDED FOR INACTIVATION

All preliminary investigations that do not meet the criteria for assignment will be classified as inactive. Supervisors will be responsible for identifying cases where the status needs to be changed from inactive to open for further investigation based on new information received or developed.

Cases will be classified as inactive when no further investigative leads are available, solvability factors are absent, or all reasonable investigative efforts have been exhausted.

5.6.8 REFERENCES

O.P. 5.1	Detective Division Organization and Operations
O.P. 5.5	Department Case Processing
O.P. 5.7	Preliminary/Follow-up Investigations and Constitutional Requirements

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **5.7**
	Subject **PRELIMINARY / FOLLOW-UP INVESTIGATIONS AND CONSTITUTIONAL REQUIREMENTS**	**Effective Date** 21 September 2023
	Revised 10-30-88, 01-12-90, 02-25-02, 12-23-10, 11-22-13, 06-07-21	**Page** 1 of 3
	CALEA Standard 1.2.3, 41.2.5, 42.1.4, 42.1.6, 42.2.1, 42.2.2, 82.2.1, 83.2.1	

5.7.0 OBJECTIVE

To establish guidelines for conducting preliminary and follow-up investigation that comply with constitutional requirements related to criminal investigations.

5.7.1 INITIAL RESPONSE

A. The first officer/detective responding to a crime scene or a request for police services will take charge of the scene, perform the initial investigation, and take appropriate police action. The officer/detective will remain on the scene until the completion of the investigation or until they are released of their duties or responsibilities.

B. Exceptions to this are the subsequent arrival of a supervisor or other officers/detectives with special investigative skills appropriate to the circumstances of the particular crime who may take charge of the operation.

5.7.2 PRELIMINARY INVESTIGATIONS

A. Patrol officers will be utilized to conduct preliminary investigations unless it would be more advantageous to have a detective respond initially. Officers/Detectives shall comply with the following when reasonably able to do so, any non-compliance should be documented along with justification for not complying:

1. Accurately note all conditions, events and remarks.
2. Attempt to locate and identify all potential witnesses.
3. Attempt to identify and secure the crime scene establishing both and inner and outer crime scene perimeters.
4. Attempt to locate and protect any evidence by marking the area when possible to ensure the crime scene is in no way disturbed or contaminated until processing and collection activities can occur.
5. Attempt to conduct preliminary interviews with the complaining victim or witness and suspect and accurately note the information provided including phone numbers in the preliminary and supplemental police reports.
6. Coordinate for a Forensics Technician to respond for processing the crime scene and collection of evidence.
7. Attempt to effect the arrest of the suspect immediately and secure from witnesses and victims until the officer/detective assigned for the follow up investigation can conduct additional interviews.
8. Complete all necessary reports fully and accurately describing the incident and actions taken.
9. All reports will be completed and turned in by the end of shift or prior to going out of service. All officers/supervisors responding to the scene will complete a supplemental report documenting their actions while on scene.

B. Preliminary Investigations may be sufficient to conclude the case thus eliminating the need for follow-up investigation. This procedure is not intended and does not preclude the preliminary investigating officer from conducting the follow-up investigation, but in fact, encourages the preliminary investigating officer to conduct the follow-up investigation when possible.

C. The officer/detective's immediate supervisor is responsible for reviewing and ensuring a proper preliminary investigation is conducted and will be accountable for each criminal report and supplemental report completed by officers at the scene.

5.7.3 FOLLOW-UP INVESTIGATIONS

A. Cases not closed upon preliminary investigation will be assigned for follow-up. Detectives conducting follow-up investigations shall comply with the following when reasonably able to do so:

1. Review and analyze all previous reports in the preliminary phase.
2. Review department records and files, including field interviews, P2P, etc.
3. Attempt to conduct additional interviews with complainants, witnesses and suspects as needed.
4. Attempt to seek additional information from other officers, informants, surrounding residences and businesses, to include the existence of surveillance video.
5. Collect or arrange for collection of physical evidence.
6. Review results from laboratory examinations.
7. Arrange for appropriate dissemination of information.
8. Plan, organize and conduct searches as needed.
9. Identify and attempt to apprehend suspects.
10. Determine involvement of suspects in other crimes.
11. Check suspects' criminal histories.
12. Utilize polygraphs/CVSAs if necessary.
13. Coordinate for any surveillance operations if necessary to further the investigation.
14. Prepare cases for court presentation.
15. Complete felony folder in accordance with current departmental standards
16. Assist in prosecution.

5.7.4 CONSTITUTIONAL REQUIREMENTS

During criminal investigations, it is mandatory that constitutional rights are not violated. The officer/detective will not:

1. Use of coercion or any other method that would reasonably render a confession involuntary.
2. Unreasonably delay an initial appearance (the initial appearance must be held without unnecessary delay after arrest) N.C.G.S. 15A-511(a)(1).
3. Fail to inform defendants of their rights when required.

5.7.5 EXCULPATORY EVIDENCE

Potentially exculpatory evidence must be provided to prosecuting authorities in current and post-conviction investigations.

1. Under the United States constitution, due process requires the prosecution to turn over evidence that is potentially favorable to the accused and material to his/her guilt or punishment. In *Brady v. Maryland*, 373 U.S. 83 (1963) the United States Supreme Court held that "suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or punishment, irrespective of the good faith or bad faith of the prosecution". The Court held in a later case that the prosecution is required to provide such evidence whether the accused requests it or not. Police officers and agencies are considered part of the prosecution team.

2. **Exculpatory material** is evidence that is favorable to the accused; is material to guilt, innocence, or punishment of the accused; and/or may impact the credibility of a government witness, including a law enforcement officer or other agency employee.

3. Potential exculpatory material includes any department or City records containing evidence that a police employee involved in a criminal investigation, or who has the potential to be called as a witness for the prosecution in a criminal matter, has: been untruthful or has a character for untruthfulness; a bias, interest, or other motive; been arrested, convicted, or has pending criminal charges; ever been found to have lied under oath whether the matter was criminal or civil in nature by a judicial official.

4. Disclosure of potentially exculpatory material in regards to a police department employee will be handled by the Supervisor of the Office of Professional Standards in consultation with the Police Attorney and the Prosecuting Authority.

5. If a law enforcement officer (of any rank or title), or any other employee of the Department, becomes aware of exculpatory or potentially exculpatory evidence that was not provided to the prosecuting authority the officer will immediately notify their supervisor and the Police Attorney, and will provide the evidence to the Prosecuting Authority as soon as possible. The duty of the department is to ensure that all exculpatory information and evidence is provided to the prosecuting authority when the department becomes aware of the information. This duty to provide applies to any stage of the prosecution of the accused if the prosecuting authority was required to provide discovery pursuant to N.C.G.S. 15A-901 thru 910.

6. **Additional Disclosure Requirement:** N.C.G.S. 17C-16 requires Any person who is certified by the Commission or has received a conditional offer of employment and who has been notified that the person may not be called to testify at trial based on bias, interest, or lack of credibility shall report and provide a copy of that notification to the Criminal Justice Standards Division within 30 days of receiving the notification. The same notification must be made to the Chief of Police within 30 days of receiving the notification. This requirement shall only apply if the person is notified by one of the following methods:

   (a) In writing by a superior court judge, district court judge, federal judge, district attorney, assistant district attorney, United States attorney, assistant United States attorney, or the person's agency head.

   (b) In open court by a superior court judge, district court judge, or federal judge, and documented in a written order.

5.7.6 REFERENCE

N.C.G.S. 15A-511(a)(1)
N.C.G.S. 17C-16
N.C.G.S. 15A-901 thru 910

By Order Of: Kemberle Braden
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **5.8**
	Subject **CONFIDENTIAL FUNDS AND USE OF INFORMANTS**	**Effective Date** 26 July 2024
	Revised 06-23-88, 01-31-94, 02-25-02, 07-12-10, 11-15-13, 12-03-14, 3-18-16, 9-6-18, 12-21-18, 10-19-21	**Page** 1 of 6
	CALEA Standard 17.4.2, 42.2.6, 82.3.5	

5.8.0 OBJECTIVE

To establish procedures for the use and accountability of confidential funds and the selection and monitoring of informants by officers and detectives.

5.8.1 DEFINITIONS

A. Confidential Source of Information: A person or organization, not under the direction or control of a specific police officer/detective, who provides information to the police department without becoming a party to an investigation and without an expectation of compensation.

B. Contact Officer- The officer/detective who maintains an ongoing professional relationship with a confidential source.

C. Controlled Informants- An individual, who by placement in a criminal group, organization, or setting has access to desired information. This individual is recruited by the department, thoroughly assessed, tightly controlled, and continually directed.

D. Confidential Informants - A person whose surroundings or criminal associations allow him/her access to information. This informant differs from other sources of information because information is provided without direction or control of law information provided.

E. Citizen Source - Individual providing one-time information on an investigation that can be compensated based on the outcome of the information provided.

5.8.2 INFORMANTS

A. Both “Controlled Informants” and “Confidential Informants” must be documented in the same manner listed in Section 5.8.2 “Informants” which outlines the informant file and the contents of the file.

B. A Citizen Source may be paid a reward from the confidential funds for information provided on a one-time basis and does not need to be documented fully as an informant and assigned a code number. The contact officer, however, shall record the name, address, physical description and driver’s license number (if the individual has one) of the individual on the Confidential Funds Expenditure Report If the citizen source continues to provide information, then an informant file must be completed.

C. All officers and detectives are encouraged to develop informants to further the information gathering function necessary to identify and target persons involved in criminal activity.

D. Officers/Detectives who develop a confidential source of information, a controlled informant or a confidential informant, will notify their immediate supervisor and keep their supervisor informed of any activities involving the informant. The officer/detective will discuss the potential of the informant, the types and quality of information the informant can provide, and the value of the informant to the Unit's mission. When an Officer/Detective develops a confidential informant or controlled informant, a file will be set-up to include:

1. Biographical background information and questionnaire, signed by the informant and the officer/detective.

2. Criminal history record /DCI check and DMV check.
3. A recent photograph or recent computer generated arrest photo, if the informant has been arrested.
4. Information received from the informant.
5. Record of payments made to the informant, including receipt numbers.
6. Information on past or present involvement in operations.
7. Comments on informant's performance and reliability.
8. A code number assigned to the informant.
9. Aliases used by the informant.
10. Information on how the informant can be located.
11. Confidential Informant Code of Conduct and Waiver Form.
12. Confidential Informant File Review Form.

E. The officer/detective must get as much information as possible about the informant, keeping in mind that the informant may be reluctant to give accurate and true personal information. Each time the contact officer works a case with the informant, a notation of the contact will be made on the CI log. The CI log is not only a payment log but is an activity log that should include contact via phone, text, or in person made by the CI with information on suspects or criminal activity. Activity and/or payment information will be entered on the CI log as soon as possible but no later than five business days from the date of the activity and/or payment.

F. The contact officer should establish the credibility of the informant and reliability of the information given. Methods include reviewing information previously provided, checking with other law enforcement agencies where the informant provided information, and using controlled test situations.

G. Informants should be given a second point of contact in the event that the contact officer/detective the informant works with is unavailable.

H. All Master files will be kept secured by the Narcotics Unit Lieutenant, or designee, to ensure limited access for the protection of the informant.

I. If a CI file is opened or retrieved for use by a detective other than the contact detective, a thorough review of the CI file must be completed to insure all required documents are included and the information is current. The contact detective is responsible for maintaining up to date information in the CI file, including updated photos, addresses, phone numbers, arrests/convictions, etc.

J. Every reasonable effort should be made to corroborate information provided by an informant so that the informant is not required to appear in court. Arrangements should be made for meetings with informants to take place at locations where the identity of the informant is not jeopardized. Informants shall be referred to in documents by that informant's code number, or as a "confidential source".

K. Monthly reviews of informant files will be conducted and documented by Narcotics Unit and Violent Crimes Unit supervisors in monthly reports.

5.8.3 GUIDELINES AND RESTRICTIONS

A. Officers/Detectives should meet personally with an informant of the opposite sex ONLY in the presence of another officer to avoid allegations of impropriety or misconduct. In situations where the use or the role of the informant is questionable, the contact officer will notify a supervisor for guidance.

B. Officers/detectives will not make promises to an informant. Only the District Attorney will make any agreement regarding a pending criminal charge against an informant.

C. Officers are prohibited from using persons as sources of information who are currently under a court

condition of probation or parole, except when authorized in writing by the Parole Commission or the court of competent jurisdiction. "Use" is defined as situations when probationers or parolees are directed to or expected to associate with persons committing criminal acts, to frequent places where criminal activity takes place, or any other activity which would violate their condition of parole or probation.

D. An individual who is 18 years of age or under will not be used to make introductions for the purpose of undercover activities without the written approval of the Investigative Bureau Commander.

E. Special considerations should be taken in regard to an informant's health (mental or physical), age, education, personality traits, experience, employment history, financial status and reliability.

F. Person in a court ordered drug rehabilitation program are prohibited from use as an informant (i.e. Drug Court).

5.8.4 CONFIDENTIAL FUNDS AVAILABILITY

A. An adequate amount of confidential cash funds should be kept in the Narcotics Unit Lieutenant's safe at all times. Only the Narcotics Unit Lieutenant will have access to the safe. Funds will be available during normal working hours and during emergency situations through the Narcotics Unit Lieutenant.

B. Each Narcotics Unit Sergeant and Violent Crimes Unit Sergeant will maintain an assigned safe and will be responsible for the same accountability, auditing and documentation procedures as the Narcotics Unit Lieutenant safe.

C. Officers/Detectives requesting confidential funds will contact their immediate supervisor. Patrol District Commanders will contact the Narcotics Unit Lieutenant for funds as needed. The Narcotics Unit Lieutenant will contact the Budget Analyst as needed to replenish confidential funds.

5.8.5 CONFIDENTIAL FUNDS ACCOUNTABILITY

A. The Narcotics Unit Lieutenant is responsible for the overall accounting and maintenance of confidential funds. Unit Supervisors are responsible for their day to day funds balance and expenditures. The Narcotics Lieutenant will maintain a ledger that will include the following:

1. File numbers (OCA number if applicable)
2. Running balances including deposits and transfers

B. Authorized areas of expenditures of confidential funds include:

1. Payment of funds to non-department personnel - Funds used for information given, activity performed or expenses incurred by an informant or citizen source.
2. Purchase of Contraband - Funds used for the controlled purchase or undercover purchase of drugs, stolen goods, guns, or other illegal items by an informant or undercover officer.
3. Special Investigative Expense - Funds used for expenses incurred while working an undercover operation such as fuel, motel room, trac phones, phone minutes, and other items that are directly and immediately needed to facilitate the undercover investigation/operation. The city procurement card should be used to purchase any item not directly related to the investigation but necessary to facilitate the operation.
4. Administrative Transfer of Funds - Used for the administrative transfer of funds from one officer to another or from supervisors to officers.

C. Payment for information will be evaluated for each case based on the value of the information given. Officers/Detectives will discuss all payment amounts with their immediate supervisor.

D. Payment thresholds to informants

1. Payments to an informant up to $500 per receipt number for information and/or activity performed does not require prior written approval from a supervisor.
2. Payments to an informant in excess of $500 and up to $1,000 per receipt number for information and/or activity requires written approval prior to the payment by the Vice Investigations Division Captain
3. Payments to an informant in excess of $1,000 per receipt number for information and/or activity requires written approval prior to the payment by the Vice Investigations Division Major.

E. Payment thresholds for contraband/narcotics

1. The purchase of contraband/narcotics in excess of $2000 up to $4000 per receipt requires written approval prior to the purchase by the Narcotics Lieutenant.
2. The purchase of contraband/narcotics in excess of $4000 up to $6000 per receipt requires written approval prior to the purchase by the Vice Investigations Division Captain.
3. Purchase of contraband/narcotics in excess of $6000 must be approved by the Vice Investigations Division Major, in writing prior to the purchase.

F. Recovered Confidential Funds

1. Prior to utilizing confidential funds for operations to include but not limited to Controlled Purchases, Hand to Hand Buys and Buy Busts, all confidential funds being utilized in the operation will be scanned/ counted by one of the currency scanner / counters located in the Narcotics Interdiction Unit or in the Violent Crimes Unit area. Both units have been issued a Cummings Jet Scan iFX scanner for this purpose.
2. Scanned copies with date and time stamps of the currency will be added to the investigative case file.
3. Upon the recovery of any currency post operation, the currency will be run through the same scanner to identify any Confidential Funds that may have been recovered.
4. Upon the identification / recovery of Confidential Funds through this procedure the case agent will separate the recovered confidential funds from the rest of the seized currency. Other currency will be processed as normal.
5. Scanned copies of the recovered Confidential Funds will be obtained from the currency counter/ scanner indicating the date and time of recovery, these documents will be added to the case file.
6. The recovered Confidential Funds will be reviewed by a supervisor to ensure the proper scanned copies of the currency have been obtained and the supervisor will count the recovered funds to verify the amount.
7. The recovered Confidential Funds will then be documented on a POL 518 form “Receipt of Special Investigative Funds, Narcotics Investigative Division “to be turned over from the possession of the Detective to the Narcotics Lieutenant or a Narcotics Supervisor. A description of how the funds were recovered will also be documented on a POL 415 “Confidential Funds Expenditure Report “Both forms will be included in the detective’s monthly confidential funds report.
8. The recovery will be documented in the case agent’s supplemental report.
9. The Narcotics Lieutenant or his designee will then place the recovered funds back into the current available Confidential Funds balance.
10. In some cases, circumstances may exist that require the recovered funds to be kept as evidence, it will be up to the case agent to make that determination. The reasons for retention of the Confidential Funds will be clearly articulated in the detective’s supplemental report and the Confidential Funds will be submitted to the evidence room per normal procedure.

All prior written approval must be documented on the Confidential Funds Expenditure form.

5.8.6 Documentation / Audits

A. A receipt of Special Investigation Funds form will be completed for each expenditure and each Administrative Transfer of Funds. For confidential purposes, an informant may sign in a name other than their real name and this must be recorded in the activity log located within the informant's file.

B. The following documentation will be completed monthly for individuals utilizing Confidential Funds:

1. A Monthly Expenditure Report packet will be completed by each detective to account for expenses and submitted to the Narcotics and VCU Sergeants for review. The Monthly Expenditure Report packet will include the following documents:

    a) Confidential Funds Monthly Report Form (POL-403)
    b) Confidential Funds Monthly Log Form (POL-414)
    c) All Confidential Funds Expenditure Forms (POL-415)
    d) All Receipt of Special Investigation Funds Forms (POL-518)
    e) All original receipts for special investigative expenses to include a photocopy of the receipt
    f) Receipts/documentation for received funds

2. The Confidential Funds Expenditure form will include the detective's name, date, the OCA number if applicable, the CI assigned number, the information on the activity performed and/or the purchase made, and law enforcement actions taken. If there is no applicable OCA number, other possible case or investigative information should be included if available. If specific information is not available, then N/A will be noted.

3. Detectives will submit their completed Monthly Expenditure Report packet to their immediate supervisor for initial review. After the supervisory review is completed, the supervisor will submit all Monthly Expenditure Report packets to the Narcotics Office Assistant for the initial reconciliation.

4. The Narcotics Office Assistant is responsible for the initial reconciliation of funds for review by the Narcotics Lieutenant. If the Narcotics Office Assistant is not available, then the initial reconciliation will be done by the VCU Office Assistant.

5. Completed packets will be forwarded to the Narcotics Lieutenant for initial review and then to the Vice Investigations Division Captain for final reconciliation and review. The Narcotics Lieutenant will include a memorandum documenting significant activity involving confidential funds and will also document the monthly CI log file review and the random check of detective's cash balance on hand completed during the month. The final packet and audit findings will be forwarded to the Field Bureau Commander by the Vice Investigations Division Captain.

6. Appropriate detective, witness, and supervisor signatures and identifying information (badge and last four) will be included on each form as required.

7. Any transaction involving a Sergeant (other than administrative transfer of funds) will be reviewed and signed by the respective unit's Lieutenant on the Confidential Funds Expenditure form. This will provide a degree of separation from the Sergeant witnessing the payment and then reviewing the payment.

C. All payments made to informants will be documented in their informant file within five business days of the payment.

D. Detectives will be audited on a random basis each month to ensure their Confidential Log balance matches the actual cash in hand. This random check will be conducted by Unit Supervisors, logged in a ledger book and noted in the monthly reports. A minimum of two detectives will be audited each

month with the goal being at least one audit conducted by each Sergeant. If a Sergeant is unavailable, the minimum of two detective audits can be conducted by any supervisor within the unit.

E. The Division Captain will submit the completed monthly Confidential Funds file to the Bureau Commander each month for review. The file will be completed and approved through the Vice Investigations chain of command up to and including the Assistant Chief of Police no longer than 60 days after the last day of the month the report reflects. The confidential funds account will be audited annually byrepresentatives of the City of Fayetteville Office of Internal Audit.

By Order Of: Kemberle Braden, Chief of Police
Digitally Signed

5.9.0 OBJECTIVE

To provide investigative and evidentiary guidelines for the recognition, protection and search and seizure of computers and electronic devices used in criminal activities.

5.9.1 ELECTRONIC EVIDENCE

A. Criminals use technology as a means of communication, a tool for theft and extortion and a storage container to hide evidence or contraband materials. Investigation of any criminal activity may produce electronic evidence, which may be easily altered or destroyed. Only persons who have received specialized training specifically in the area of computer seizures will be utilized to collect this type of evidence. The department's Cyber Crimes Unit will be utilized when available.

B. The following devices may contain evidence associated with criminal activity:

1. Computers, i.e. networks, stand alone, mainframes, hardware, software, floppy diskettes, CD's, thumb drives, external hard drives, flash media of any type, etc.
2. Cellular and wireless telephones
3. Internet tablets or communication devices
4. Facsimile machines
5. Smart cards

5.9.2 RESPONSIBILITIES

A. Officers who discover potential electronic evidence during routine duties will notify their immediate supervisor who will, if needed contact the Cyber Crimes Supervisor. He/She will then notify the Cyber Crimes Detective to respond to the scene. If a Cyber Crimes detective is unavailable, then the Cyber Crimes Supervisor may contact other agencies that can provide specialized assistance in computer seizures.

B. On assigned cases, the lead detective should involve the Cyber Crimes Unit at the earliest indication that any of the above listed devices are being used in criminal activity. The lead detective should contact the Cyber Crimes Supervisor to request assistance to develop a search strategy for seizing computer equipment.

C. When necessary, a Cyber Crimes Detective will assist with search warrant preparation and execution where electronic evidence may be seized. The lead detective will be responsible for obtaining the search warrant.

5.9.3 PREPARING FOR SEARCH AND SEIZURE

A. Search warrants will be executed in accordance with the Operating Procedure entitled Search Warrant Execution. Images, audio, text, and other important evidence may be overlooked or damaged if proper seizure and examination procedures are not used.

B. The following information should be gathered prior to the search and seizure of any electronic equipment:

1. Type of computer systems
2. Operating systems
3. Network operating systems
4. Type of storage
5. Location of equipment and storage devices
6. Remote access possibilities

7. Role of the computer in the crime
8. Probable cause to seize hardware
9. Probable cause to seize software
10. Probable cause to seize data
11. Location of the search
12. Type of crime
13. Peripheral devices

Appropriate collection techniques will be used to prevent destruction or alteration of evidence.

Trained personnel will conduct the search.

5.9.4 SEARCH AND SEIZURE PROCEDURES

A. The physical location will be secured for officer safety. A Cyber Crimes Detective should conduct the following steps to secure the scene:

1. Separate people from computers.
2. Determine if evidence is at immediate risk.
3. Check for booby traps/Trojan horses.
4. Determine if computer environment is connected to outside.
5. Isolate from phone lines.
6. Identify persons with computer knowledge and/or responsibilities.
7. Preserve area for potential fingerprints.
8. Photograph scene.
9. Conduct interviews of persons with knowledge of the system before physically accessing the system.
10. Evaluate what needs to be seized.

B. The Cyber Crimes Detective should determine if and when to power down a system and/or pull the plug and should follow these guidelines when seizing equipment:

1. If the computer is "off" do not turn it "on."
2. IF the computer is on and a Cyber Crimes Detective is available, a live analysis should be attempted to collect any volatile data before shut down.
3. Label all connectors/plugs prior to removal.
4. All cables which connect items to be seized must be taken.
5. Place evidence tape over each drive slot.
6. Take close up photos (both Polaroid and Digital Photos) according to Operating Procedure Collection and Preservation of Evidence.
7. Dismantle equipment.
8. Seize documentation and media associated with seized machines, peripheral devices, hardware and software.
9. Keep items from the same system together.
10. Handle equipment gently and keep away from hostile environments.

C. Evidence Examination

1. May be conducted on-site if feasible.
2. May need further examination at the police department.

D. Evidence Control

All evidence must be entered into evidence in accordance with the Operating Procedure entitled Evidence and Property Management.

E. Documentation

All actions associated with the manipulation of any electronic device will be noted in order to document the chain of custody and ensure its admission in court. All procedures related to the search and seizure of any computer will be documented in an incident report, supplemental and/or after action report.

5.9.5 PROCEDURES FOR OTHER ELECTRONIC STORAGE DEVICES

Other types of electronic devices may contain important evidence associated with criminal activity.

A. When seizing this type of evidence, if the device is "on," do not turn it "off."

1. Turning it off could activate lockout features.
2. Write down and/or photograph all information on the display.

B. If the device is "off," leave it "off."

1. Turning it on could alter evidence on the device.
2. Locate any instruction manuals pertaining to the device.

C. Wireless telephone

Potential evidence contained in wireless devices includes the following:

1. Numbers called
2. Numbers stored for speed dial
3. Caller ID for incoming calls
4. Other information contained in the memory
5. Phone/pager numbers
6. Names and addresses
7. PIN numbers
8. Voice mail access number
9. Voice mail password
10. Debit card numbers
11. Calling card numbers
12. E-mail/Internet access information

D. Facsimile Machines

If a fax machine is found "on," powering down may cause loss of the last number dialed and/or stored faxes.

1. Fax machines contain the following:

    a) Speed dial lists
    b) Stored faxes
    c) Header line
    d) Clock setting

2. Other considerations to note:

    a) Recent telephone line number fax is plugged into
    b) Header line should be the same as the phone line, user sets header line
    c) All the manuals should be seized with equipment if possible

E. Smart cards

A smart card is a plastic card, the size of a standard credit card that holds a microprocessor (chip) that can store monetary value and other information.

1. The following physical characteristics should be documented by:

   a) Photographing the smart card
   b) Labeling and identifying characteristics
   c) Noting features similar to credit card/driver's license
   d) Detecting possible alteration or tampering

2. Uses of Smart cards:

   a) Point of sale transactions
   b) Direct exchange of value between cardholders
   c) Exchange of value over the Internet
   d) ATM capabilities
   e) Capable of storing other data and files similar to a computer

3. Other considerations

   Smart Card technology is used in some cellular phones and may be found in or with cellular devices.

5.9.6 LEGAL CONSIDERATIONS

A. It may be determined that computerized data, while accessed from the location searched, is actually located at some other physical location. Legal guidance from the department's Police Attorney must be obtained in this situation. Evidence will be seized in compliance with all applicable Federal and State laws concerning electronic devices.

B. Seizure of Work Product Materials/Federal Privacy Protection Act: Federal law provides that law enforcement shall not as a part of any criminal investigation search or seize any work product or documentary materials from a person if the detective reasonably believes that the person intends to disseminate the information to the public or to publish it, unless:

1. There is probable cause to believe that the materials are related to a criminal offense that the individual has or is committing; or
2. the officer reasonably believes that immediate seizure of the items will prevent the death or serious bodily injury to another human being.

C. If the criminal offense is based on the receipt, possession, communication, or withholding of these materials, the officer may only seize the materials if the offense involves one of the following:

1. The production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography;
2. Sexual exploitation of children; or
3. the sale or purchase of children.

Violation of this section can subject the law enforcement officer to personal liability.

By Order Of: Tom Bergamine
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **5.10**
	Subject **INTERVIEW ROOM USAGE**	**Effective Date** 03 April 2026
	Revised 01-23-90, 08-08-96, 07-29-99, 02-25-02, 07-03-02, 06-24-05, 3-29-06, 1-26-07	**Page** 1 of 2
	CALEA Standard 71.1.1, 71.1.2	

5.10.0 OBJECTIVE

To establish procedures for all personnel regarding the supervision, accountability, safety, and security of temporary detainees placed in the department's interview rooms.

5.10.1 AUTHORIZED USE

A. Interview rooms will be used for:

1. Custodial and non-custodial interviews of persons suspected of committing a crime or charged with a crime.
2. Interviews with witnesses, complainants, and victims.
3. Detainee processing.

B. The patrol work room located adjacent to the interview rooms may be used by officers to complete paperwork. Detainees are not allowed in the patrol work room and this room may not be used as an interview room. All supplies and materials will be maintained in the patrol workroom. With the exception of the soft room in Youth Services, the only equipment or items to be kept in an interview room is a table and chairs.

5.10.2 SAFETY AND SECURITY MEASURES

A. The transporting officer is responsible for the safety and security of persons brought to the interview rooms until relieved by any officer assuming responsibility for the individual. Officers will thoroughly search in-custody detainees prior to placing a detainee in an interview room. Subjects not in custody will be searched in accordance with constitutional requirements and officer discretion. Officers will conduct a thorough search of the interview room for weapons or contraband prior to placing someone inside the room and after their removal from the room.

B. Appropriate safety precautions will be taken while interviewing detainees. Officers will secure all weapons in the appropriate lock box prior to entering the interview rooms located in the investigative area. Officers must make a visual observation of detainees at least every 30 minutes. In the interview rooms, officers will handcuff in-custody detainees to a chair. Officers will not handcuff detainees to immovable objects while in the interview room. At no time will a detainee be held in an interview room for a period of time exceeding 2 hours unless there is continuous control, defined as uninterrupted physical accompaniment of the detainee. Where practicable, the use of leg irons is recommended to assist in mitigating the risk of escape by prisoners or detainees.

C. Officers will take necessary steps to limit the access of non-essential personnel to the detainee and the interview room area. No more than two departmental employees or outside law enforcement personnel are authorized in an interview room with a subject except in emergency situations, including, but not limited to, situations when a detainee or an officer is in need of assistance.

5.10.3 INTERVIEW ROOM ALARM PROCEDURES

A. The interview rooms are equipped with an alarm system that has two settings:

1. Door Alarm- When a detainee opens the interview room door and attempts to leave the room an alarm is activated.
2. Panic Button Alarm- An officer in distress can activate the panic alarm from inside the interview room by pressing the panic button.

B. When exiting the interview room, the officer responsible for the detainee will close the door and turn on the door alarm. Before entering the room to conduct an interview, the door alarm will be switched to the panic alarm setting. Officers conducting non-custodial interviews will not use the door alarm.

C. The door alarm and the panic alarm are audible. When an alarm is sounded, every officer hearing the alarm should respond to the interview room or take appropriate action if a detainee is seen leaving the interview room or an officer is in distress.

D. The use of the interview room alarm system does not relieve the officer from responsibilities relating to care and custody of the subject.

5.10.4 CAMERAS

The interview rooms are equipped with cameras and can be monitored and/or recorded. The recording devices will be checked by the Forensic Video Specialist twice a month to determine if they need to be emptied of recorded data to ensure sufficient space is on the recording devices.

5.10.5 WELFARE MEASURES

A. Officers will not place male and female detainees in the same interview room. Officers will not place adult and juvenile detainees in the same interview room.

B. Detainees will be provided access to water, restrooms and other basic needs by the responsible officer in a timely manner.

C. Officers will not leave any detainee unattended that appears to be under a significant amount of duress or appears to be a potential threat to him or herself.

D. In case of a fire, the responsible officer will remove the detainee from the interview room and follow the established fire suppression and evacuation procedures.

5.10.5 TRAINING

Employees responsible for temporary detainees will receive training during field training and as needed.

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **5.11**
	Subject **BACKGROUND INVESTIGATIONS**	**Effective Date** 13 August 2020
	Revised 02-17-88, 02-04-94, 02-25-02	**Page** 1 of 1

5.11.0 OBJECTIVE

To establish guidelines for conducting background investigations for other than recruitment and selection of police officers.

5.11.1 PURPOSE

This procedure refers to background investigations of persons as they relate to intelligence, white-collar crime, organized crime, drug and vice activities. This also includes background investigations related to the licensing of some businesses. All background investigations should be conducted discretely and with special precautions and will be assigned on an as-needed basis. Background investigations will be conducted for the following purposes:

1. OPS will conduct background investigations for other city departments and other law enforcement agencies, when approved by the Chief of Police.
2. Detective Division and NVSU detectives will conduct background investigations on individuals suspected of criminal activity.

5.11.2 SOURCES OF INFORMATION

1. Consent for background investigation, signed and witnessed
2. Fingerprint card
3. D.C.I. Driver's license history
4. D.C.I. and N.C.I.C. Wanted check
5. City/County Warrants check
6. Personal reference letters mailed
7. Neighborhood Investigation Report
8. Background investigation final report
9. Credit check
10. North Carolina Attorney General's Office
11. United States Department of Justice
12. If prior military experience is noted, Criminal Investigation Division, Fort Bragg, North Carolina
13. City/County Tax Records

5.11.3 USE OF INFORMATION

A. Information collected will be limited to the following:

1. Office of Professional Standards
2. Detective Divisions(s)
3. District Attorney's Office of Cumberland County
4. Office of the City Manager, or his/her designee
5. Narcotic and Vice Suppression Unit

B. Criminal background investigation information will be forwarded to the office of the Chief of Police prior to being released to any sources outside of the department. This pertains to background investigations not routinely conducted in connection with felony investigations.

C. Purging of the information will be conducted when it is determined that the information is no longer needed.

By Order Of: Gina V. Hawkins
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **5.12**
	Subject **HABITUAL FELONS**	**Effective Date** 29 May 2026
	Revised 03-13-89, 03-06-92, 10-01-93, 02-25-02, 06-24-02, 12-09-02, 01-24-24	**Page** 1 of 2
	CALEA Standard 42.1.5	

5.12.0 OBJECTIVE

To establish a procedure to identify habitual felons pursuant to N.C.G.S. 14-7.1.

5.12.1 DEFINITION

A. A habitual felon has been defined by N.C.G.S. 14-7.1 as any person who has been convicted or pled guilty to three (3) felony offenses in any federal or state court in the United States, or any combination thereof.

B. A felony offense is defined as a criminal offense which is a felony under the laws of the state or other sovereign wherein a plea of guilty was entered or a conviction was returned regardless of the sentence actually imposed. Being a habitual felon is not a crime but is a status in the eyes of the court.

5.12.2 CRITERIA FOR STATUS

A. The subject under investigation must have pending felony charges or have been charged with a felony and awaiting trial.

B. Pursuant to G.S. 14-7.1, a felony offense is defined to include all of the following:

1. An offense that is a felony under the laws of this State.
2. An offense that is a felony under the laws of another state or sovereign that is substantially similar to an offense that is a felony in North Carolina, and to which a plea of guilty was entered, or a conviction was returned regardless of the sentence actually imposed.
3. An offense that is a crime under the laws of another state or sovereign that does not classify any crimes as felonies if all of the flowing apply:
    a) The offense is substantially similar to an offense that is a felony in North Carolina.
    b) The offense may be punishable by imprisonment for more than a year in state prison.
    c) A plea of guilty was entered or a conviction was returned regardless of the sentence actually imposed.
4. An offense that is a felony under federal law. Provided, however, that federal offenses relating to the manufacture, possession, sale and kindred offenses involving intoxicating liquors shall not be considered felonies for the purpose of this Article.

C. For the purposes of this Article, felonies committed before a person attains the age of 18 years shall not constitute more than one felony. The commission of a second felony shall not fall within the purview of this Article unless it is committed after the conviction of or plea of guilty to the first felony. The commission of a third felony shall not fall within the purview of this Article unless it is committed after the conviction of or plea of guilty to the second felony. Pleas of guilty or convictions of felony offenses prior to July 6, 1967, shall not be felony offenses within the meaning of this Article. Any felony offense to which a pardon has been extended shall not for the purpose of this Article constitute a felony.

5.12.3 METHOD OF IDENTIFICATION

Use the following resources to identify habitual felons:

1. Referrals from the District Attorney's Office
2. Arrest sheets and fingerprint cards associated with the arrest sheets

3. Computerized criminal histories through DCI
4. All cases in which a subject meets the criteria for habitual felon status shall be identified and documented by the investigating officer and/or supervisor.

5.12.4 CASE PREPARATION

Habitual felon status is an enhancement and not a separate charge. Therefore, the decision to charge a defendant as a habitual felon is in the sole discretion of the District Attorney at the time of Indictment pursuant to G.S. 14-7.3. Officers should not seek a habitual felon status enhancement when applying for a Warrant for Arrest or when a Magistrate's Order is issued. If a defendant qualifies as a habitual felon, then that information should be relayed to the Magistrate in consideration when addressing bond. Officers should still document if the defendant is a habitual felon when turning over the file to the District Attorney's Office.

5.12.5 REFERENCES

N.C.G.S. 14-7.1	Persons defined as habitual felons
N.C.G.S. 14-7.3	Charge of habitual felon

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

5.13.0 OBJECTIVE

To establish guidelines that must be met in order to request that a drug case be adopted for the purpose of forfeiture of assets.

5.13.1 DESCRIPTION

A. Under certain provisions various federal agencies can adopt drug cases for the purpose of forfeiture of assets. Each federal agency has set minimum standards that have to be met to consider a case for Civil Forfeiture. Primarily, our department will coordinate forfeitures with the Drug Enforcement Administration (DEA), Federal Bureau of Investigation (FBI) the Bureau of Alcohol, Tobacco and Firearms (ATF) and Homeland Security Investigations (HSI).

B. The primary purpose of the Department Forfeiture Program is for law enforcement: to deter crime by depriving criminals of the profits and proceeds of their illegal activities and to weaken criminal enterprises by removing the instruments used in criminal activity.

5.13.2 PARTICIPATION

A. Most sharing is a result of joint investigations. Joint investigations are those in which federal agencies work with state or local law enforcement agencies to enforce federal criminal laws.

B. A state or local law enforcement agency that has seized property may request that one of the federal agencies listed in the previous section adopt the seizure and proceed with federal forfeiture. Federal agencies may adopt such seized property for federal forfeiture where the conduct giving rise to the seizure is in violation of federal law and federal law provides for forfeiture. State and local agencies have thirty (30) calendar days from the date the property was originally seized to request a federal adoption. Waivers of the thirty day rule may be approved by the adopting federal agency where the state or local law enforcement agency requesting adoption demonstrates the existence of exceptional circumstances justifying the delay.

5.13.3 TYPES OF PROPERTY SUBJECT TO FORFEITURE

Types of property subject to Forfeiture under Title 21, United States Code, Section 881 (controlled Substance Act) are as follows.

1. Controlled Substances
2. Equipment, Raw Materials or Products
3. Containers
4. Conveyances that for example serve as location of drug deal; function as sites of drug negotiations; are used to transport persons to site of drug deal; shield drug deal in some manner; or serve as collateral to secure a drug deal. Exceptions include common carriers and stolen conveyances.
5. Books, Records and Research
6. Assets, for example, proceeds or any “thing of value,” or money, negotiable instruments and securities
7. Real Property

5.13.4 EXCEPTION TO FORFEITURE

A. Innocent owner – one who did not know about or consent to the conduct which made the property subject to forfeiture.

B. Innocent purchaser – essentially an innocent purchaser of property, otherwise subject to forfeiture under this section, is a bona fide purchaser for value without knowledge of the prohibited activity or the tainted nature of the property purchased.

5.13.5 MONETARY THRESHOLDS

In adoptive cases, property generally is not to be forfeited unless the equity in the property exceeds the following levels:

1. Vehicles $2,500
2. Vessels $5,000
3. Aircraft $5,000
4. Land and Improvements $10,000
5. All other Property such as currency, bank accounts, monetary instruments and jewelry $1,000

5.13.6 CONTACT WITH FEDERAL AGENCY

A. When considering a case for Federal Civil Forfeiture the officer initiating the case will ensure that the previous listed criteria is met. Upon making that determination, the officer will contact the (Narcotics Unit Supervisor, or designee for assistance, if available. If Narcotics Unit personnel are not available, the officer will contact the on-duty Watch Commander.

B. The Narcotics Unit supervisor or designee will explain the probable cause of the case to the representative who will either give verbal approval or deny the adoption. Whether verbal approval is given or denied the Narcotics Unit Detective will document the contact by name, telephone number reached at, date and details of the conversation. Narcotics Unit detectives will contact the appropriate Federal Agency Representative for adoption of the case.

C. Once the federal agency makes the determination to adopt the case, the federal agency will be responsible for preparing the case for civil forfeiture proceedings, to include publishing any necessary notices to any person with possible interest in the subject property. Upon request, the Narcotics Unit Supervisor, or designee, will provide all necessary forfeiture documentation to assist with the civil forfeiture proceedings.

5.13.7 VEHICLE FORFEITURE

A. Seized vehicles pursuant to federal forfeiture guidelines must go through a pre-acquisition approval process. Requests to add seized vehicles to the department fleet will require approval / signatures from the Narcotics Lieutenant, Service Support Division Lieutenant, Service Bureau Commander, PWC Fleet Inspection and the Chief of Police. The following information will also be documented on POL-124, Pre-Acquisition of Fleet Review:

1. Vehicle Make, Model and Year
2. VIN and Tag Numbers
3. Case Number and Seizing Officer Name
4. Odometer Reading
5. Owner / Lienholder Information
6. Pay off amount, if any.

B. A summary vehicle activity report will be completed quarterly and annually by the Narcotics Lieutenant.

C. The summary will contain the following information:

1. The beginning number of vehicles
2. Vehicle forfeited
3. Vehicles released
4. Ending balance

D. A copy will be submitted to the Finance Department.

5.13.8 FORFEITURE DOCUMENTATION

The Narcotics Unit Supervisor, or his designee, will ensure that the following documentation is completed and maintained on file. This will include, but not be limited to:

1. Copies of any and all storage reports, evidence receipts, etc.
2. All incident and follow-up reports detailing any conversation with the suspect that points to the drug violation and specifically;
3. Who owns the vehicle, aircraft, vessels, real property, other property;
4. If the person who is operating the vehicle, aircraft, vessel, or in possession and control of real property, or other property, is not the owner then he/she should try to determine if the owner gave permission for the use of;
5. If the owner knew the purpose of use;
6. Is the owner profiting from the transaction;
7. Should obtain documents or copies of documents showing ownership control.
8. Example-Title, Registration, Inspection Certificate, Utility Bills, Deeds, or Mortgages.
9. The Narcotics Unit Supervisor will do a follow-up to obtain any further evidence or to corroborate evidence already obtained.
10. Review all documents regarding cases being considered for forfeiture to ensure all necessary documents contained in the case are accurate and complete.
11. Ensure compliance with deadlines established by the various federal agencies for submitting case packages for seizure.
12. A completed package must be submitted within 15 days of the actual seizure. A completed package consists of:

    a) The seized money converted into an official Bank or Cashier's Check made payable to the appropriate federal agency.
    b) A completed Department of Justice Form DAG-71 or Department of Treasury Form TD F 92-22.46 for each agency involved in the seizure.
    c) At least one agency's investigative report detailing the probable cause.

13. Ensure DAG-71 and Department of Treasury Form (TDF 92-22.46) is properly completed.
14. Monitor each case approved for forfeiture to stay abreast of any awards due to our department through the equitable sharing agreements.
15. Comply with the Asset Forfeiture Laws and procedures as outlined by the United States Attorney's Office for our district.
16. Monitor all established equitable sharing agreements and civil forfeiture proceedings.
17. Requests for use of funds require a memo from the Chief of Police identifying eligibility of purchase request and approval by the City Manager.

5.13.9 POLICE ATTORNEY RESPONSIBILITIES

The Police Attorney will review all Federal Forfeiture cases for accuracy and completeness to include:

1. Review of DAG-71 form.
2. Coordinate with the Narcotics Unit Supervisor for any revisions or corrections as needed.
3. The Police Attorney will forward DAG-71 to the Chief of Police for his signature and final approval.

By Order Of: Harold E. Medlock
Digitally Signed

5.14.0 OBJECTIVE

To establish procedures for the investigation of cold case files.

5.14.1 DEFINITIONS

For purposes of this policy, a cold case is defined as any criminal investigation by a law enforcement agency that has remained unsolved for approximately one year and, as a result, has been closed. A cold case may be closed for various reasons, to include the following: previously available technology was not able to adequately analyze the evidence in order to form a conclusion; witnesses were hostile and uncooperative; the originally assigned detectives retired, were promoted or transferred; or a lack of worthwhile leads stalled the case. Typically the crime in a cold case is a violent one, such as murder or rape, or a person missing for an extended period of time.

5.14.2 COLD CASE EVALUATION CRITERIA

A cold case may be selected for reexamination based on the following:

1. Inquiry, single or repeated, by a family member or friend of the victim.
2. New information furnished by family, friends, witnesses or other parties having knowledge of the case.
3. Institutional knowledge of detectives. Detectives who originally worked on the cold case can be an invaluable resource to subsequent detectives investigating the same matter.
4. Individual detective curiosity may lead a detective to identify with a specific case and work it in between other cases.
5. Secondary information from other investigations, often drug or organized crime related, could provide additional information.

5.14.3 DOCUMENTING INVESTIGATIVE ACTIONS

When a cold case is opened for further investigation, all original documents are to be maintained in the original case file and may only be removed to make photocopies. The cold case detective will complete an investigative log and supplemental reports relating to any work that it accomplished on the case. When a detective closes a cold case, a final supplemental report is required documenting that the case is closed and the reason for closing the case.

By Order Of: Gina V. Hawkins
Digitally Signed

5.15.0 OBJECTIVE

To establish guidelines for electronic recording of custodial interviews.

5.15.1 POLICY

A. In order to ensure compliance with N.C.G.S 15A-211, the Fayetteville Police Department will electronically record custodial homicide interviews conducted at a place of detention in their entirety and may record interviews for other crimes.

B. This policy does not prevent officers from conducting field interviews with suspects and is not intended to delay, interfere with or prevent officers from acting when suspects make spontaneous utterances or statements. It also does not prevent officers from conducting interviews at other facilities or locations when conducting investigations.

5.15.2 DEFINITIONS

A. Electronic Recording: audio or video recording that is an authentic, accurate, unaltered record

B. Custodial Interview: interview that occurs when a suspect has been formally arrested and is still in custody, or an interview that occurs when the restraint on the suspect's freedom of movement is to such a degree as that associated with a formal arrest.

C. Privileged Conversation: any private conversation between a suspect and a lawyer, a member of the clergy, or a spouse.

5.15.3 ELECTRONICALLY RECORDED INTERVIEWS

A. Custodial homicide interviews conducted at any place of detention including custodial interviews relating to vehicular homicide cases **will** be electronically recorded in their entirety.

B. Interviews relating to other offenses **may** be electronically recorded at the discretion of a supervisor or lead detective in the case.

C. An electronically recorded interview of a victim or witness may be conducted at the discretion of a supervisor or lead detective.

D. An electronic recording of the following types of statements is not required:

1. A spontaneous statement that is not made in response to a question
2. A statement made during arrest processing in response to a routine question
3. A statement made during a custodial interrogation that is conducted in another state by law enforcement officers of that state
4. A statement obtained by a federal law enforcement officer
5. A statement given at a time when the interviewing officers are unaware that the person is suspected of a homicide

5.15.4 PROCEDURES

A. Officers will activate the interview recording equipment immediately after securing the suspect in the interview room and will document the appropriate information on the Interview Room Log. The recording equipment will remain on during the entire interview process and will not be turned off until the interview is completed.

B. If, during the course of a non-custodial interview, the officer determines that the interviewee may be a suspect or witness in a homicide investigation, the recording equipment may be activated at the discretion of the interviewing officer. The recording equipment is required to be activated during circumstances in which the situation becomes custodial and the interview involves a suspect in a homicide investigation.

C. If the suspect is involved in a privileged conversation, that is protected by law, attorney/client communication, spouse or clergy, the suspect will be removed from the interview room, but, the recording equipment will remain on. The suspect will be placed in an available room that is not recorded for the duration of the privileged conversation and will be returned to the interview room to complete the interview.

D. Brief periods of recess, upon request by the person in custody or the law enforcement officer, do not constitute an "interruption" of the record. The recording equipment will remain on during breaks even if the suspect briefly leaves the interview room.

E. If the recording is a visual recording, the camera recording the custodial interview must be placed so that it films both the interviewer and the suspect.

F. In the event of system failure, officers should look for an alternative recording method, such as a digital recorder. Officers will continue to interview suspects and document any equipment failure in their report.

G. If necessary, the detective/officer may establish a dialogue with the suspect using language that the suspect is comfortable with and accustomed to, including derogatory or profane language. However, using such language should not be the primary or only approach taken by the detective/officer during the interview. In any case, the detective/officer should be prepared to articulate in any court proceedings why such a strategy was employed.

H. Routine maintenance and trouble shooting of the recording system will be the responsibility of the Forensic Supervisor (Specialty Sections).

5.15.5 RETRIEVAL / DISSEMINATION

A. Immediately upon conclusion of the interview, the detective/officer must export the interview from interview system and then upload in into E.com. This will ensure the interview room server's hard drive memories are kept as close to zero as possible, to prevent a backlog of interviews and allow for the systems to always be ready for the next interview.

1. The Forensic Unit Digital Media Section will conduct periodic audits of the interview systems to ensure interviews are being uploaded in to E.com in a timely manner.

B. At the conclusion of the interview stop the interview recording using the same red button used to start the recording. A message will appear "Do You Want To Stop The Current Recording?" Click "Yes" to continue. The detective/officer will enter the following required case information:

1. OCA in the "Case #" field.
2. Subject being interviewed.
3. Who conducted the interview in the "Interviewer" field.
4. The detective/officer must save all the above information to the specific interview to which it pertains.

C. Each recorded interview **must** be exported to ensure that it is not deleted.

1. Click on the interview just completed and "select" it; the selected interview will be highlighted in yellow.
2. Click the floppy disc icon to export the interview from the system; this must be done as soon as the interview is completed to prevent it from being deleted.

3. Select “Smallest (MOV)” when choosing the format for exporting the interview.
4. After selecting your format click the “Export” button.
5. Detectives/officers will then need to select the location on the computer that the interview will go.
6. Interview recordings will be placed on the “Desktop” in a folder bearing the detectives/officers name.
7. Click on the “SAVE” button; a Progress Bar will be visible.
8. Do not sign out of the program until the bar is completely full and the program says “Export Complete”.

D. After the interview recording has been exported/uploaded, the detective/officer must sign off of the interview program. Log out of the star witness interview program only, not the computer.

E. After signing off of the Star Witness interview program, the interview recording must be uploaded into E.com.

1. Sign into the evidence.com uploader program using your Evidence.com login.
2. Select the downloaded interview from the desktop folder you created and drag it into the e.com program.
3. Check “Select All” box in evidence uploader program.
4. Select “Edit Metadata” up near the top of the program.
5. Fill in the “ID”, “Title” and “Category” as laid out in the departmental labeling policy and hit “Apply.”
6. Select the blue in color “Next” button at the bottom of the page after completing the above step.
7. Select the blue in color “Upload” button and wait for the upload to say complete.
8. Login to Evidence.com on a browser (Google Chrome or Internet Explorer).
9. Go to “Evidence” tab. Select “My Evidence”.
10. Type the OCA number that you just uploaded and verify the interview that you just uploaded is playable within Evidence.com.

F. All recorded interviews remain the property of the Fayetteville Police Department and any unauthorized copying or distribution of a recorded interview is prohibited. An electronically recorded interview will be released externally only to the District Attorney, other agencies as authorized by the case detective, or otherwise as required by law.

5.15.6 RETENTION SCHEDULE

A. Felony and Misdemeanor Investigations

Municipal law enforcement agencies are required to maintain felony investigations case files for a minimum of twenty years. Records of misdemeanor investigations must be maintained for a minimum of five years. Thus, any electronically recorded custodial homicide interview and any other custodial interview must be maintained for these periods, unless required to be held longer as set forth below.

B. Appeals and Habeas Corpus Proceedings

Electronic recordings of custodial homicide interviews will not be destroyed or altered by the State when the suspect was convicted of any offense related to the interrogation until one year after the completion of all State and federal appeals of the conviction, including the exhaustion of any appeal or motion for appropriate relief or habeas corpus proceedings. If this period exceeds the retention schedule set forth above, the electronically recorded interview should be maintained by the Fayetteville Police Department for the longer period of time.

By Order Of: Gina V. Hawkins
Digitally Signed

5.16.1 OBJECTIVE

To establish procedures for the use of eyewitness identifications involving live lineups, photographic lineups and show ups.

5.16.2 DEFINITION

A. Eyewitness – A person whose identification by sight of another person may be relevant in a criminal proceeding.

B. Filler – A person or a photograph of a person who is not suspected of an offense and is included in a lineup.

C. Live Lineup – An identification procedure in which a group of similar persons is displayed to an eyewitness for the purpose of determining if the eyewitness is able to identify the perpetrator of a crime.

D. 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.

E. Photo Lineup – An identification 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.

F. Show Up – A procedure in which an eyewitness is presented with a single live suspect for the purpose of determining whether the eyewitness is able to identify the perpetrator of a crime. N.C. Gen. Stat § 15A-284.52(a)(8).

5.16.3 LIVE LINEUPS

The Fayetteville Police Department does not conduct live lineups.

5.16.4 PHOTO LINEUPS

A. All photo lineups will be conducted in accordance with the requirements of N.C. Gen. Stat. § 15A-284.52.

B. All photo lineups will be conducted by an independent administrator.

C. If an alternative method is ever used, it must be in the form of an automated computer program which administers the lineup directly to an eyewitness and prevents the administrator from seeing which photo the eyewitness is viewing until after the procedure is completed.

D. The photos used in the lineup will be presented to eyewitnesses sequentially and separately, in a previously determined order and removed after being viewed before the next photo is shown.

E. Nothing will be said to the eyewitness regarding the suspect's position in the photo lineup or regarding anything that may influence the eyewitness's identification.

F. Feedback to the eyewitness by the administrator is prohibited during the identification process.

G. In cases where there are multiple eyewitnesses, the lineup administrator will separate all eyewitnesses to discourage them from conferring with one another before or during the procedure.

H. There will not be anyone present during the lineup who knows the suspect's identity, except the eyewitness and counsel as required by law.

I. If the eyewitness identifies a photo as the perpetrator, no information will be provided concerning the suspect before the lineup administrator obtains the eyewitness's confidence statement about the selection.

J. Composition

1. A photo lineup will consist of eight people, one suspect and seven fillers.

2. The photo of the suspect will be contemporary and to the extent practicable, will resemble the suspect's appearance at the time of the offense.

3. All fillers should generally resemble the eyewitness description of the suspect in terms of race, hair, skin color and skin tone and should include any significant, unique or unusual features to ensure the suspect does not unduly stand out.

4. Avoid using fillers who so closely resemble the suspect that a person familiar with the suspect might find it difficult to distinguish the suspect from the fillers.

5. Only one suspect will be included in each lineup. If there are multiple suspects, a separate lineup for each suspect must be created using seven different fillers in each lineup.

6. If there are multiple eyewitnesses, the suspect photo will be placed in a different position in lineups for each eyewitness.

K. Eyewitness Instructions

Prior to a lineup, the eyewitness will be instructed that:

1. The perpetrator may or may not be in the lineup.
2. The lineup administrator does not know the suspect's identity.
3. The eyewitness should not feel compelled to make an identification.
4. It is as important to exclude innocent persons as it is to identify the perpetrator.
5. The investigation will continue whether or not an identification is made.

The eyewitness will acknowledge the receipt of instructions in writing. If the eyewitness refuses to sign the acknowledgement, the administrator will note the refusal and then sign the acknowledgement. If there are multiple eyewitnesses, each eyewitness will be given instructions separately.

L. Documentation

Photo lineups are not required to be video or audio recorded. All of the following will be documented using Form # POL-594 Photo Identification Procedures:

1. All identification and non-identification results obtained during the procedure, signed by the eyewitness, including the eyewitness's confidence statement. If the eyewitness refuses to sign, the lineup administrator will note the refusal and will also sign the notation;
2. Names of all persons present at the lineup;
3. Date, time and location of the lineup;
4. A witness statement declaring how certain he/she is of any identification;
5. That the lineup was photographic and how many individuals were presented;
6. The sources of all photos used;
7. The photos themselves.

If there is a positive identification, the lineup administrator will seek and document a clear statement from the eyewitness, in the eyewitness's own words as to the eyewitness's confidence level that the person identified in the lineup is the perpetrator.

In addition to the statement, the confidence level of the eyewitness should be evaluated in terms of the eyewitness's conduct or other relevant observations and documented.

5.16.5 SHOWUPS

A. Show ups will be conducted with only one eyewitness present whenever possible. Multiple eyewitnesses or victims will be separated and complete the show-up one at a time. If multiple eyewitnesses are available and one eyewitness makes a positive identification, the remaining eyewitnesses will be reserved for other identification purposes.

B. Eyewitnesses will be instructed that the individual may or may not be the perpetrator. For example, the officer should say, "An officer is with a subject who may or may not be involved with this incident. Please look at the subject and tell me if you recognize him/her from anywhere."

C. Words or conduct that may suggest to the eyewitness that the individual is or may be the perpetrator are prohibited.

D. Feedback to the victim / eyewitness is prohibited by the administrator during the identification process.

E. Compelling Reasons

Show ups will only be used when circumstances require the prompt display of a single suspect to an eyewitness. A show-up shall meet all of the following requirements:

1. A show-up may only be conducted when a potential suspect matching the description of the perpetrator is located in close proximity in time and place to the crime.
2. If there are specific articulable facts to support a reasonable belief that the perpetrator has changed his appearance and there are circumstances that require the immediate display of a suspect to an eyewitness, the officer may conduct a show-up with a suspect who does not match the description of the eyewitness.
3. The decision to conduct a show-up should only be made in consideration of the totality of the circumstances standard so as not to result in an unduly suggestive practice conducive to mistaken identification.
4. Factors related to the reliability of the show-up identification include the witness' opportunity to observe the accused, the witness' degree of attention, the accuracy of the witness' description, the witness' level of certainty, and the time elapsed between the crime and confrontation.
5. A show-up shall only be performed using a live suspect and shall not be conducted with a photograph.

F. Transport

1. If practical, the eyewitness will be transported in a department vehicle to the location of the suspect.
2. If there are multiple eyewitnesses, they will be transported separately if possible.
3. If there are no alternatives, and multiple eyewitnesses must be transported together, the transporting officer should ensure that there is no discussion between the eyewitnesses.

G. Documentation

1. Officers will photograph the suspect at the time and place of the show-up to preserve a record of the appearance of the suspect at the time of the show-up procedure, even when the person stopped is eliminated as a suspect. The officer taking the photograph shall review the image to ensure that

it fairly and accurately depicts the appearance of the suspect at the time the show-up is conducted. The photograph will be taken by a departmental issued camera and the photograph (digital file) should be attached into RMS under the associated OCA. The photograph must be provided to the District Attorney in the felony folder pursuant to discovery law.

2. If a positive identification is made, a statement regarding the level of confidence will be obtained from the eyewitness. In addition to the statement, the confidence level should be evaluated in terms of conduct or other relevant observations.

3. Officers will document the details for the show-up procedures and results in their Report. Based on statements made by victims, complainants, and/or witnesses, statements regarding a suspect and suspect descriptors will be documented in the appropriate fields of the police report to include any additional narrative information in supplemental reports. Documentation will include but is not limited to:

   a) A description of the suspect;
   b) Name of eyewitness (address and phone number);
   c) Any statements made by the eyewitness;
   d) Date, time location and circumstances of the identification;
   e) If an identification is made to include a statement by the eyewitness indicating the level of confidence;
   f) Record of any conduct, gestures or other relevant observations that may indicate the level of confidence of the eyewitness.

By Order Of: Harold E. Medlock
Digitally Signed

5.17.0 OBJECTIVE

To establish procedures for the Violent Criminal Apprehension Team (VCAT).

5.17.1 PURPOSE

The Violent Criminal Apprehension Team (VCAT) will conduct fugitive apprehension investigations for offenders who are wanted in, or from, the City of Fayetteville. The unit's primary responsibility is to facilitate the apprehension of individuals wanted for violent crimes such as murder, rape, felony assaults, and armed robbery, but may include additional serious felonies. VCAT will also adopt cases at the request of Divisions/Units to include but not limited to chronic offenders, ongoing domestic violence offenders, individuals wanted on weapons offenses, and individuals wanted for serious crimes that have a history of violence. The VCAT may be called upon to assist other law enforcement agencies in apprehending individuals wanted from other jurisdictions that may have fled to Fayetteville.

5.17.2 MISSION STATEMENT

It is the mission of the (VCAT) to conduct fugitive apprehension investigations targeting the most violent offenders operating or located within the City of Fayetteville. The VCAT Unit maintains working relationships with the U. S. Marshal's Service, the FBI, the U.S. Secret Service, the ATF, the North Carolina SBI, and the Cumberland County Sheriff's Office in order to locate individuals who are avoiding apprehension.

5.17.3 FUGITIVE INVESTIGATIONS

A. Requesting VCAT Assistance - Any officer of the department may request VCAT assistance. Requests should be made through the VCAT Supervisor, but individual members of the unit may be contacted if the Supervisor is unavailable. The officer or detective making the request should provide as much information about the suspect as possible.

B. VCAT Case Assignment – The VCAT supervisor is responsible for maintaining a case assignment records and track active/closed cases being investigated by the unit. When an apprehension investigation request is received, a case will be opened and assigned to a VCAT detective. The VCAT Supervisor will be responsible for assigning cases and will notify assigned VCAT detective. Following case assignment, a "Deconfliction Alert" will be sent via Departmental email with the fugitive case assignment information to alert other members of the department that the individual is being sought by VCAT and to avoid duplication of effort. Detectives receiving information on a fugitive subject will update the VCAT supervisor as needed.

C. VCAT officers will check the status of assigned warrants weekly. All fugitives will be checked periodically and prior to every apprehension operation to ensure the warrant remains valid.

5.17.4 FUGITIVE INVESTIGATION WORK-UPS

A. VCAT detectives will complete a comprehensive fugitive apprehension investigation or "workup" following assignment of a case. This workup is needed to assess and identify the most likely locations where a fugitive may be living or frequenting in order to direct apprehension efforts. When the comprehensive case file has been completed, VCAT detectives will direct investigative efforts toward locating the fugitive.

B. When an apprehension is complete, the case file will be updated and maintained by VCAT to facilitate any future apprehension efforts involving that subject in accordance with 28 CFR 23 and Operation Procedure 5.03, Criminal Intelligence.

5.17.5 FUGITIVE APPREHENSIONS

A. VCAT detectives will conduct an apprehension briefing when information is developed regarding a possible fugitive location. VCAT detectives commonly locate fugitives at residences and other locations not indicated on the service copy of the arrest warrant(s).

1. Arrest Warrant Service Procedures within jurisdiction

a) The VCAT supervisor or Lieutenant will be notified prior to any arrest warrant service. When possible, the VCAT supervisor or Lieutenant will be present on scene for all apprehensions.
b) Warrant confirmation will be obtained from the appropriate source prior to any warrant service action. When possible, a service copy of the warrant will be obtained prior to attempting to serve the warrant on the fugitive.
c) The VCAT detective assigned to the case is responsible for notifying the Tele-communicator of the warrant service location using the respective radio channel based on the location of the warrant being served.
d) Prior to any warrant service, the following information will be communicated during a briefing when available:

1) Suspect Name
2) Suspect Location
3) Suspect Description
4) Nature of the Warrant
5) Suspect History
6) Weapon Information
7) Team Member Assignments
8) Copies of the suspect photo, and location photo will be distributed (often in the form of a Wanted Flyer)

e) When practical, a supervisor from the respective location's Division or Sector will be notified of the warrant service in cases other than a routine unit apprehension. Situations in which the Division supervisor will be notified include a barricaded subject, situations which have escalated into an ERT call out, cases where patrol division officers are needed, and situations where media attention may occur.
f) With all arrests, VCAT detectives will comply with Operating Procedure 3.24, Body Worn Cameras. If any evidentiary value exists on BWC footage during the arrest, VCAT detectives will ensure the case detective is aware of the footage.

2. Warrant Service – Known Location in North Carolina

If VCAT develops specific information that a fugitive is located within North Carolina but outside the City of Fayetteville, the VCAT supervisor will review all facts associated with the investigation and brief the Special Investigative Division Captain or VCAT Lieutenant on pertinent information about the fugitives and the out of jurisdiction operation. All out-of-city operations will be approved and will be conducted in accordance with North Carolina General Statue 160A-288, Written Directive 1.01, Agency Jurisdiction, Mutual Aid, and Cooperative Assistance and Referrals, and the SBI North Carolina Fugitive and Missing Person Task Force Memorandum of Understanding.

B. Emergency Response Team (ERT) Notification and Deployment

An ERT deployment will be used for the purpose of facilitating the safest possible apprehension of the fugitive(s). Intelligence gathering, surveillance, and positive identification and location of the subject(s) remain the responsibility of VCAT unless instructed otherwise by the ERT commander.

1. The VCAT Supervisor will assess and identify a fugitive's potential to do harm to himself, law enforcement, or a third party, through the intelligence gathering and work up process by the VCAT detective prior to any attempt to apprehend the fugitive(s).

2. If it is determined the fugitive(s) may likely use violence to avoid apprehension, then the VCAT supervisor will be notified of the situation. The VCAT Supervisor will identify the necessity for requesting ERT support for assistance with the apprehension.
3. The VCAT supervisor will brief the Special Operations Division Captain on pertinent information about the fugitive(s) and the justification for ERT deployment. This information will be relayed to the ERT Commander when recognized to ensure early notification to ERT.
4. The VCAT supervisor or their designee is responsible for completing the Special Operations Plan and required briefing with ERT and any other support personnel assisting with the operation.

C. Post-Apprehension Investigations

1. VCAT detectives maintain the ability to transition into post-apprehension investigations and sometimes assist the primary case detective with critical evidence for the prosecution of the case.
2. The VCAT detective should be familiar with the specifics of the case in order to determine the evidentiary value of information and items they may encounter. If a suspect is located inside a structure, VCAT will attempt to gain consent to search the structure following an arrest. The consent cannot be obtained from the suspect in custody. The results of this search will be passed along to the case detective. When VCAT detectives identify evidentiary items in plain view while apprehending a fugitive, in a location where an expectation of privacy exists, they will conduct a seize-and-freeze of the location or vehicle pending a detective obtaining a search warrant to conduct the search.
3. Any additional charges resulting from the arrest or search will be handled by the appropriate detective or officer. Unless otherwise agreed upon, the VCAT detective assigned to the original warrant will be responsible for completing a supplemental report and paperwork related to any additional charges incident to the arrest.

5.17.6 EQUIPMENT

A. VCAT detectives operate in a plainclothes, professional attire, on a daily basis. Plainclothes operations maximize the ability of VCAT detectives to complete a cautious apprehension, increase officer safety, and allow detectives to advance upon structures or individuals to establish containment before fugitives attempt to abscond. Shorts are prohibited.

B. VCAT detectives will be issued equipment specific to the VCAT Unit and mission. All individual equipment will be inventoried and issued by the Supply Custodian and included on the individual detectives clothing record. All equipment will be turned in when a VCAT detective is transferred to another assignment. Standard equipment issued includes:

1. External Ballistic Vest Carrier with Police Insignias
2. Custom Molded Earpiece and Accessories
3. TLR-1 Weapon Light
4. Tactical Holster (to accommodate handgun light)
5. Paddle Holster
6. CID Magazine/Handcuff Carrier(s)
7. Tactical Trouser Belt
8. Hidden Agenda jacket
9. Body Worn Camera

C. VCAT detectives will operate marked, unmarked and undercover vehicles dependent upon the investigative work that is occurring.

1. VCAT unmarked police vehicles will follow all FPD policies related to vehicle operations, and pursuits. VCAT officers will have appropriate police attire accessible for immediate identification.
2. VCAT detectives will be assigned a take home vehicle assigned through the Special Investigations Division to facilitate the VCAT detective's immediate response to crime scenes and possible suspect locations.

D. Ballistic Vests/Tactical Equipment

1. VCAT apprehensions involve a surveillance/containment and apprehension element. The surveillance/containment element operates covertly, while able to transition for containment and apprehension assistance utilizing issued tactical vests and holsters.
2. All VCAT detectives will wear their issued body armor with tactical external vest carrier and identifying POLICE insignias while conducting any apprehension effort in the field.
3. Body armor is required regardless of the VCAT detective's assignment (surveillance, containment, entry) due to the high likelihood of changing roles with little advance warning.

E. The VCAT Unit supervisor is responsible all equipment assigned to the unit. Quarterly inspections of the equipment will be documented and defective items replaced. The inventory will identify all equipment assigned to the unit. Equipment may include but is not limited to:

1. Ballistic Shield
2. Megaphone
3. Entry Tools
4. Leg Shackles
5. Transport Belt

5.17.7 TRAINING

A. The VCAT supervisor is responsible for developing, scheduling, and identifying in-service and advanced training opportunities for the members of the VCAT Unit. All internal training will be documented on the FPD In-Service Training Report. All external training documentation will be provided to the Training and Education Coordinator for entry into the detectives training record.

B. VCAT Unit training will be job related through the identification of the knowledge, skills and abilities required of VCAT detectives to perform their duties. The VCAT supervisor will evaluate the demonstration of skills by VCAT detectives to ensure they possess the ability to perform unit functions and coordinate operational assignments accordingly.

C. Core training subjects for VCAT detectives include but are not limited to:

1. Criminal investigations
2. Criminal intelligence
3. Surveillance Operations
4. Interview/interrogation techniques
5. Tactical planning and operations
6. Fugitive investigative techniques
7. High risk apprehension tactics
8. Crisis Negotiation
9. Other related external training courses that may be offered locally, regionally or nationally.

5.17.8 SELECTION PROCESS

A. Selection of VCAT detectives will be completed in accordance with Written Directive 6.6, Specialized/Career Enrichment Assignments.

5.17.9 REFERENCES

W.D. 1.1	Agency Jurisdiction, Mutual Aid and Referrals
W.D. 6.6	Specialized/Career Enrichment Assignments
W.D. 4.2	Vehicle Operations
O.P. 3.24	Body Worn Cameras (BWC)
O.P. 4.1	Emergency Response Team
O.P. 4.2	Search Warrant Execution
O.P. 4.3	Surveillance
O.P. 4.4	Hostage Situation Operations/Barricaded Suspects
O.P. 4.7	Special Operations
O.P. 4.11	Event Deconfliction
O.P. 5.3	Criminal Intelligence
O.P. 5.6	Case Management System
O.P. 5.7	Preliminary/Follow-up Investigations and Constitutional Requirements
O.P. 5.8	Confidential Funds and Use of Informants

By Order Of: Harold E. Medlock
Digitally Signed

5.18.0 OBJECTIVE

To establish guidelines for officers of the Fayetteville Police Department (FPD) to assist in investigating set fires also referred to as incendiary fires.

5.18.1 DEFINITIONS

Arson – The criminal act of deliberately setting fire to property.

Significant Burn Injury – any thermal or chemical burn that requires medical treatment beyond minor bandaging (e.g. second or third degree burns to the hands, arms, legs, back, torso, etc.).

Life Threating Burn Injury – any thermal or chemical burn severe enough to create an immediate risk to life (e.g. burns to head, neck, face, airway, torso, etc.).

Incendiary Device – Any item used to initiate a fire or explosion (e.g. Molotov cocktail, explosives, fireworks, flammable liquids, torches, incendiary devices, lighters, etc.).

Arson Evidence – Any evidence related to intentionally set fires (e.g. flammable liquids and containers, incendiary devices, victim clothing, burnt items, etc.).

5.18.2 ARSON DETECTIVE CALL OUT PROCEDURES

Arson Detective(s) will provide a 24-hour coverage unless arrangements are made in advance with their supervisor.

Listed below are categories related to Arson that require a response from the on call Arson Detective(s):

A. Significant injuries/or death.

B. Injuries to any emergency responders.

C. High property value loss (e.g. commercial buildings, or multiple property involvements, etc.).

D. Suspect(s) on-scene or suspect(s) detained.

E. Requests made by a member of the Fayetteville Fire Department Fire Investigation Team.

F. Request made by on duty supervisor or on call Property Sergeant.

If the Arson Detective(s) is called out to an active fire investigation, the requestor must utilize the Detective(s) chain of command and shall not contact the Detective(s) directly, unless otherwise specified.

5.18.3 ARSON PROCEDURES

A. Arson or Attempted Arson to Persons – Fires involving significant injuries or death will be a cooperative investigation between the Detective(s) from the Fayetteville Police Department's Homicide and/or Aggravated Assault Unit, Detective(s) from the Fayetteville Police Department's Arson Unit, and the Fayetteville Fire Department's Fire Investigation Team. The Fayetteville Police Department's Arson Unit

will be the lead unit for all investigations except in cases where a death is involved. If a victim has died, then the Homicide Unit will be the lead investigative unit. The Arson Detective(s) will provide support as subject matter experts.

1. Arson to a person with an injury

    a. If the fire department is not on scene, the on scene police officer will request a fire department response to investigate any potential fire hazard, or life safety hazards. The officer on scene will contact the on-duty supervisor to respond.

    b. Effecting an arrest if necessary.

    c. Administer first aid if necessary.

    d. The crime scene should be secured when it is deemed safe to do so and evidence shall be protected if it can be done safely.

    e. The on-duty supervisor will initiate a call to the on call Homicide Supervisor and Arson Detective advising if there is a fatality or life threating injury.

    f. Statements from on-scene witnesses/by-standers will be collected by Fayetteville Police Department Officers/Detectives either by use of written forms or verbal statement with the use of body worn camera. The witness's name, date of birth, address, and contact number shall be collected. Witnesses shall be escorted away from each other and kept in separate proximate locations.

    g. The Arson Detective will assist the Fayetteville Fire Department Fire Investigation Team with the investigation into the origin and cause.

    h. The crime scene will be processed utilizing the Fayetteville Police Departments Forensics Department following all operating procedures.

    i. Any follow up interviews with possible suspects or victims will be conducted by Detectives with the Fayetteville Police Department.

2. Attempted arson to a person with a flammable substance

    a. If the fire department is not on scene, the on scene police officer will request a fire department response to investigate any potential fire hazard, or life safety hazards. The officer on scene will contact the on-duty supervisor to respond.

    b. Effecting an arrest if necessary.

    c. Administer first aid if necessary.

    d. The crime scene should be secured and evidence protected until their arrival.

    e. The on-duty supervisor will initiate a call to the on call Homicide Supervisor and Arson Detective advising if there is a fatality or life threating injury.

    f. Statements from on-scene witnesses/by-standers will be collected by Fayetteville Police Department Officers/Detectives either by use of written forms or verbal statement with the use of body worn camera. The witness's name, date of birth,

address, and contact number shall be collected. Witnesses shall be escorted away from each other and kept in separate proximate locations.

g. The Arson Detective will assist the Fayetteville Fire Department Fire Investigation Team with the investigation into the origin and cause.

h. The crime scene will be processed utilizing the Fayetteville Police Departments Forensics Department following all operating procedures.

i. Any follow up interviews with possible suspects or victims will be conducted by Detectives with the Fayetteville Police Department.

3. Exceptions

a. Hot water scalds and burn injuries, cigarette burns, hot iron or other burns typically associated with child abuse and not result of an intentionally set fire (refer to Youth Services Call-out procedures).

B. Arson or Attempted Arson to Buildings

1. If the fire department is not on scene, the on scene police officer will request a fire response.

2. Effecting an arrest if necessary.

3. Administer first aid if necessary.

4. If an arrest is made on scene, or the suspect is still on scene follow the call out procedures in reference to contacting the on call Arson Detective.

5. If after the Fayetteville Fire Department has extinguished the fire, and made the determination that the fire is suspicious in nature, a crime scene perimeter needs to be established following Fayetteville Police Department Operating Procedures. On scene officer(s) will remain on scene to secure the scene until the Fayetteville Fire Department completes their origin and cause investigation.

6. Once the Fayetteville Fire Department Fire Investigation Team has arrived on scene, the personnel from either the Fayetteville Fire Department Fire Investigation Team or the on-duty supervisor can contact the Arson Detective following the call out procedures.

7. Statements from on-scene witnesses/by-standers will be collected by Fayetteville Police Department Officers/Detectives either by use of written forms or verbal statement with the use of body worn camera. The witness's name, date of birth, address, and contact number shall be collected. Witnesses shall be escorted away from each other and kept in separate proximate locations.

8. The Arson Detective will assist the Fayetteville Fire Department Fire Investigation Team with the investigation into the origin and cause.

9. The crime scene will be processed utilizing the Fayetteville Police Departments Forensics Department following all operating procedures.

10. Any follow up interviews with possible suspects or victims will be conducted by Detectives with the Fayetteville Police Department.

C. Arson or Attempted Arson to Vehicles

1. If the fire department is not on scene, the on scene police officer will request a fire response.

2. Effecting an arrest if necessary.

3. Administer first aid if necessary.

4. Vehicle Arson with physical arrest – The on duty supervisor or a member of the Fayetteville Fire Department Fire Investigation Team will make contact with on call Arson Detective following call out procedures.

5. If after the Fayetteville Fire Department has extinguished the fire, a crime scene perimeter needs to be established following Fayetteville Police Department Operating Procedures. On scene officer(s) will remain on scene to secure the scene until the Fayetteville Fire Department completes their origin and cause investigation.

6. Document victim's information, and the operator's information.

7. Statements from on-scene witnesses/by-standers will be collected by Fayetteville Police Department Officers/Detectives either by use of written forms or verbal statement with the use of body worn camera. The witness's name, date of birth, address, and contact number shall be collected. Witnesses shall be escorted away from each other and kept in separate proximate locations.

8. The crime scene will be processed utilizing the Fayetteville Police Departments Forensics Department following all operating procedures.

9. Any follow up interviews with possible suspects or victims will be conducted by Detectives with the Fayetteville Police Department.

D. Vehicle Arson with no suspect information and/or physical arrest

1. If the fire department is not on scene, the on-scene police officer will request a fire department response.

2. If after the Fayetteville Fire Department has extinguished the fire, and made the determination that the fire is suspicious in nature, a crime scene perimeter needs to be established following Fayetteville Police Department Operating Procedures. On scene officer(s) will remain on scene to secure the scene until the Fayetteville Fire Department completes their origin and cause investigation.

3. Document victim's information, and the operator's information.

4. Statements from on-scene witnesses/by-standers will be collected by Fayetteville Police Department Officers/Detectives either by use of written forms or verbal statement with the use of body worn camera. The witness's name, date of birth, address, and contact number shall be collected. Witnesses shall be escorted away from each other and kept in separate proximate locations.

5. The crime scene will be processed utilizing the Fayetteville Police Departments Forensics Department following all operating procedures.

6. Any follow up interviews with possible suspects or victims will be conducted by Detectives with the Fayetteville Police Department.

E. Fires otherwise not listed above

1. If the fire department is not on scene, the on scene police officer will request a fire response.

2. Effecting an arrest if necessary.

3. Administer first aid if necessary.

4. If an arrest is made on scene, or the suspect is still on scene follow the call out procedures in reference to contacting the on call Arson Detective.

5. If after the Fayetteville Fire Department has extinguished the fire, and made the determination that the fire is suspicious in nature then a crime scene perimeter needs to be established following Fayetteville Police Department Operating Procedures.

6. Once the Fayetteville Fire Department Fire Investigation Team has arrived on scene the personnel from either the Fayetteville Fire Department Fire Investigation Team or the on-duty supervisor can contact the Arson Detective following the call out procedures.

7. Statements from on-scene witnesses/by-standers will be collected by Fayetteville Police Department Officers/Detectives either by use of written forms or verbal statement with the use of body worn camera. The witness's name, date of birth, address, and contact number shall be collected. Witnesses shall be escorted away from each other and kept in separate proximate locations.

8. The Arson Detective will assist the Fayetteville Fire Department Fire Investigation Team with the investigation into the origin and cause.

9. The crime scene will be processed utilizing the Fayetteville Police Departments Forensics Department following all operating procedures.

10. Any follow up interviews with possible suspects or victims will be conducted by Detectives with the Fayetteville Police Department.

F. Crime Scenes

1. Any and all crime scenes of suspicious fires within the jurisdiction of the City of Fayetteville and Fayetteville Police Department will be, without exception, will be processed by the Fayetteville Police Department's Forensic Unit. Any and all evidence gathered by the Fayetteville Police Department's Forensic Unit will be handled according to the procedures as set forth by O.P. 6.1, Crime Scene Processing Responsibilities and Submitting Evidence for Examination.

5.18.4 REFERENCES

O.P. 6.01	Collection and Preservation of Evidence
O.P. 6.07	Forensic Unit Evidence Collection Procedures
O.P. 3.24	Body Worn Cameras (BWCS)
O.P. 5.01	Detective Division Organization and Operations
O.P. 3.21	In-Car Camera System
O.P. 3.01	Patrol Operations
O.P. 5.07	Preliminary / Follow-Up Investigations and Constitutional Requirements
Sec. 11-11	Municipal Code of Ordinances
Job Results 731	Arson/Explosives Detective

By Order Of: Gina V. Hawkins
Digitally Signed

6.1.0 OBJECTIVE

To establish guidelines for responsibilities related to the collection and preservation of evidence, laboratory submission, and response to laboratory results.

6.1.1 RESPONSIBILITY FOR PROCESSING CRIME SCENES

A. The Patrol Officer is usually the first law enforcement officer to arrive at a crime scene. When appropriate, the duties of the patrol officer at the crime scene will include:

1. Securing and protecting the crime scene to ensure all evidence including the potential presence of DNA is not disturbed or contaminated.
2. Effecting an arrest if necessary.
3. Administering first aid.
4. Recording the names and addresses of witnesses.
5. Documenting all entries of persons into the crime scene.

B. A detective or patrol officer/supervisor will assume the responsibility for the investigation of felonies depending upon the crime type. At the crime scene, the detective/officer will make all necessary observations and written notations that are beneficial to the investigation and adjudication of the case.

C. The Forensic Technician will receive guidance from the officer/detective/supervisor in charge as to what evidence and processing is requested. After being briefed the Forensic Technician will:

1. Conduct an initial walk-through of the scene to evaluate and look for the evidence and conditions described by the officer/detective as being significant to the investigation.
2. Evaluate the scene for other evidence/conditions that may be of value to the investigation. Evaluation of the scene includes:

    a) An assessment of potential safety concerns. (biohazard, chemical, structural, and others based on the situation)
    b) Establishing the order of processing and primary entry to facilitate processing.
    c) Identify security, equipment and personnel needs.
    d) Upon completion of the initial walk-through, the Forensic Technician should brief the officer/detective of the results on the scene assessment and their plan for processing the scene.
    e) The Forensic Technician will be responsible for the correct processing of the scene. When crime type and evidence dictates, the processing of crime scenes will include:

        1) Photographs
        2) Crime scene sketches with measurements
        3) Casting
        4) Processing for latent fingerprints and other pertinent evidence
        5) Correct collection, marking, packaging and preservation of all physical evidence collected
        6) Preparing a written call report to include final diagrams when necessary

6.1.2 FUNCTIONAL RELATIONSHIP

A. Patrol officers and/or detectives are responsible for requesting the services of a Forensic Technician. This is usually accomplished by phone or radio or through the Communications Center.

B. Forensic Technicians do not initiate their own calls; however, in the interest of prompt response and scene processing, if a Forensic Technician is aware of a homicide scene or motor vehicle fatality and

has not been dispatched within a few minutes, the Forensic Technician should notify Dispatch they are aware of the incident and they will be in route to the scene.

C. An officer or supervisor must initiate all other calls for forensic assistance.

D. The Detective Division Commander in charge of the overall Forensic Unit is responsible for the overall management and administration of the Forensic Unit.

E. The Forensic Manager is responsible for management of the Forensic Unit and is directly responsible for the supervision of the Latent Print, Firearms and Digital Media Sections.

F. Forensic Supervisors are responsible for the supervision of the Forensic Crime Scene Technicians.

6.1.3 SERIOUS CRIMES WHERE NO CRIME SCENE IS PROCESSED

All serious felony crime scenes including homicide, rape, arson, robbery and major assault will be photographed and processed for physical evidence. In incidents where crime scenes cannot be photographed or processed for physical evidence, the detective will fully document in his/her supplemental report the reasons why the crime scene could not be processed.

6.1.4 SUBMITTING EVIDENCE TO FORENSIC LABORATORY

A. When Forensic Technicians collect evidence, it will be submitted to the Evidence Technician in accordance to the Operating Procedure 6.3 entitled Forensic Unit Evidence Management and Operating Procedure 6.7 entitled Forensic Unit Evidence Collection Procedures.

B. When technicians collect evidence and there are no "known samples" for comparison purposes, it will be noted in the "Follow-up Report." Whenever there will be any other delay in the submission of evidence to the laboratory, the technician will explain the reason for the delay in the "Follow-up Report."

6.1.5 DOMESTIC VIOLENCE PHOTOGRAPHIC EVIDENCE

A. When responding to Domestic Violence calls that require photographic evidence, the primary officer should request the squad Domestic Violence Liaison Officer or a Patrol Supervisor to respond to the incident location to take photographs of any observable injuries or to document the lack of injuries.

B. A Forensic Technician should respond if there is not a Domestic Violence Liaison available or Supervisor available.

C. The following procedure will be followed for the collection of photographic evidence in these cases:

1. Take photos of injuries.
2. Complete forms POL-605 and POL-453.
3. Attach both forms to the SD card and place in the Digital Media Section secure drop box.

6.1.6 RECORD OF PHYSICAL EVIDENCE SUBMITTED TO THE LABORATORY

A. All evidence submitted to the laboratory is done using the "Request for Examination of Physical Evidence" form required by the State Bureau of Investigation. The "Request for Examination of Physical Evidence" form includes the following information:

1. Name of the officer/forensic technician last having custody of the item.
2. Date, time and method of submission.
3. Date and time of receipt in the laboratory.
4. Name and initials of laboratory personnel receiving the evidence.

B. The Evidence Technician will deliver and pick up all physical evidence from the SBI Laboratory, which will be transferred pursuant to the chain of custody portion of the "Receipt for Examination of Physical Evidence."

C. When physical evidence is submitted to the Federal Bureau of Investigation (FBI) Laboratory, it will be done in accordance with their operating procedures. Evidence submitted to the FBI Laboratory must be sent by registered mail. The courts recognize that the chain of custody requirement is met when evidence is submitted to another agency by registered mail. It will be the responsibility of the Evidence Technician to maintain a record of the prior custody information involving evidence submitted to the FBI that will include:

1. Name of the officer/forensic technician last having custody of the item.
2. Date and time of submission or mailing and method used for transmission.
3. Date and time of receipt in the Laboratory.
4. Name and signature of Laboratory personnel receiving evidence.

D. All evidence collected for DNA analysis should be sent to the State Bureau of Investigation Laboratory or coordinated through the Forensic Manager for obtaining the most competitive price, identifying the specific analysis needed, for submission to a private laboratory.

1. If private laboratory is utilized, the outside laboratory must be ISO 17020 or ISO 17025 accredited for DNA analysis.
2. Private laboratory submissions will be handled in accordance with Operating Procedure 6.7 entitled Forensic Unit Evidence Collection Procedures.

E. The Evidence Technician will maintain a file on all evidence that is currently out of the Evidence Section for examination.

6.1.7 WRITTEN RESULTS OF LABORATORY ANALYSIS

A. Most evidence is submitted to the State Bureau of Investigation (SBI) Laboratory for analysis. The Federal Bureau of Investigation (FBI) Laboratory is utilized only in the event that the SBI Laboratory cannot perform the requested analysis.

B. In situations where an analysis needs to be expedited, the respective investigative or patrol Unit Supervisor will coordinate with the Forensic Manager for submission to a private ISO 17020 or ISO 17025 accredited laboratory.

C. Upon receipt of the SBI or Independent Laboratory report, the officer or forensic technician receiving the report will complete a Supplemental Police Report documenting receipt of the laboratory results and any follow up activity that is completed. The written laboratory analysis report will be added to the respective case file.

D. A copy of written laboratory analysis report will be forwarded to the Records Section for scanning into Invise to the respective OCA number.

E. If a laboratory analysis result generates additional investigative information on a case that has been closed, the case will be reactivated and assigned for additional follow up investigation.

F. All submissions that result in a CODIS Hit Notification will be forwarded to the Forensic Manager. The Forensic Manager is responsible for notifying the appropriate Unit Lieutenant who ensures case assignment to the respective detective for follow up and appropriate case disposition changes in RMS. CODIS hit notifications require follow-up and further investigation by a detective.

G. The Forensic Manager will be notified of the outcome of the CODIS hit and is required to notify the State Bureau of Investigation CODIS Administrator of the hit outcome.

6.1.8 REFERENCE

O.P. 5.4	Cold Case Investigation
O.P. 6.3	Forensic Unit Evidence Management
O.P. 6.4	Forensic Technician Dispatches for Service
O.P. 6.5	Forensic Unit Evidence Collection Procedures
O.P. 6.6	Forensic Unit Coverage, Training and Equipment
O.P. 6.7	Forensic Unit Evidence Collection Procedures

By Order Of: Harold E. Medlock
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **6.2**
	Subject **GENERAL PROPERTY MANAGEMENT**	**Effective Date** 05 January 2026
	Revised 02-14-00, 08-01-01, 02-25-02, 3-28-03, 05-30-07, 06-27-08, 04-20-10, 11-22-10, 12-23-10, 02-15-11, 08-29-11,01-01-12, 05/08/12, 07-18-12, 05-30-14, 09-16-15, 3-18-16, 9-20-21,11-10-21, 04-06-23	**Page** 1 of 17
	CALEA Standard 83.3.2, 84.1.1, 84.1.3, 84.1.4, 84.1.7	

6.2.0 OBJECTIVE

To provide guidelines for processing, recording, storing, releasing, and disposing of physical evidence and property in accordance with State and Federal Laws.

6.2.1 DEFINITIONS

Biological Evidence: includes the contents of a sexual assault examination kit or any item that contains blood, semen, hair, saliva, skin tissue, fingerprints, or may reasonably be used to incriminate or exculpate any person in a criminal investigation whether that material is catalogued separately on a slide or swab, in a test tube or some other similar method or is present on clothing, ligatures, bedding, other household materials, drinking cups, cigarettes or any other item of evidence. N.C.G.S. 15A-268(a).

Claimant: one who may or may not be the rightful owner or possessor of evidence, found property, or property held in safekeeping.

Court Exhibit: Court exhibits are items taken to Court for use in a criminal or civil trial. Once evidence is introduced at trial, it may not be disposed until the case, including appeal, is completed, regardless of other provisions in this policy.

Evidence: for purposes of this section, evidence is property that tends to prove or disprove the existence or non-existence of a fact or circumstance which is probative of either the commission of a crime or the guilt or innocence of a person alleged to have committed a crime, including, but not limited to, documents, exhibits, material objects, photographs, writings or anything that is perceivable by the senses.

Found property: Non-evidentiary property that is not associated with a criminal case or a criminal investigation and is considered lost. Found property comes into the possession of the PD for the purpose of locating and returning the property to the lawful owner. Found property may come into the possession of the PD through third parties who deliver property to law enforcement officers, or from law enforcement officers who find lost property and deliver it to the PD. Found property does not include property that is intentionally abandoned.

Safekeeping Property: Property which is not evidence or found property, but which was received by law enforcement for safekeeping until the owner can recover the property from the PD.

6.2.2 EVIDENCE TECHNICIANS

A. The Technical Services Unit Sergeant supervises the Evidence Technicians and is responsible for the day-to-day supervision and operation of the Property Room function.

B. Evidence Technicians are responsible for:

1. Maintaining the Property Room in accordance with departmental policies and State and Federal Laws.
2. Provide accountability, preservation, chain of custody, and final disposition of evidence submitted to the Property Room.
3. Documenting all activity related to each item of evidence under his/her control through final disposition.

4. Providing testimony in court on the chain of custody of any evidence submitted.
5. Ensuring unauthorized persons do not enter the Property Room facilities.
6. Release and disposal of property from the Property Room in accordance with this policy and all State and Federal laws.

6.2.3 ACCESS AND SECURITY OF THE PROPERTY ROOM

A. Hours of Operation

1. Hours of Operation shall be established by the chain of command of the property room based on the needs and requirements of the Fayetteville Police Department. The times shall be posted on the exterior of the property room.
2. In the event there is no available temporary storage, a Fayetteville Police Department Supervisor shall contact the Technical Services Unit Sergeant and request that they respond to assist with the storage of a large quantity of items.

B. Key Control/Card Access

1. Access to the Property Room shall be restricted to minimize any breach of security, maintain accountability, and reduce the number of officers involved in the chain of custody. The only officers authorized and issued keys to the Property Room are the Evidence Technicians, and the Technical Services Unit Supervisors.
2. During normal business hours, access is controlled by proxy card entry into the Property Room. Proxy card access is limited to the personnel listed on the posted authorized access list which will be published by the Technical Services Unit Lieutenant and posted near the front door of the property room. When an Evidence Technician is on duty, all transactions shall take place at the service counter.
3. When it is necessary for individuals whose name does not appear on the access list to enter the Property Room, they shall be required to sign in and out on the appropriate form and to be accompanied by the Technical Services Unit supervisor or an Evidence Technician at all times.

C. Valuables and Sensitive Items

1. Evidence Technicians and the Technical Services Unit Supervisors are the only persons authorized access to Rooms #111C and #111D. If emergency access is made to these rooms in the absence of a witness, a memorandum for the record shall be prepared and forwarded to the Specialized Services Supervisor.
2. Evidence Lockers 30 shall be designated for the K-9 unit. The key to each locker shall be retained by the Canine Team Sergeant. Log books shall be kept in the designated lockers and the narcotics shall be signed in and out by a supervisor (or Lead Handler) with the date and time indicated. The substance shall remain packaged at all times and shall be weighed by the K-9 Lead Handler before use and after use to ensure consistency in amount of narcotics on hand. The designated lockers shall have a separate lock on the Property Room side and the master key shall be maintained by the K9 and Narcotics Unit Lieutenant. Evidence Personnel shall not have access to these lockers.

D. Security Violations and Deficiencies

1. Evidence Technicians shall ensure that when leaving the Property Room, the door is locked. At no time will the Evidence Technicians leave the Property Room unsecured or unattended.
2. If the Property Room security has been breached, no one shall enter until a Technical Services Unit Supervisor and an Evidence Technician have arrived at the scene. The Property Room shall be processed as a crime scene. The Technical Services Unit Sergeant and an Evidence Technician shall conduct an accountability inventory of the Property Room and a copy shall be forwarded through the chain of command to the Chief of Police.

3. Evidence Technicians shall immediately report any security violations or security deficiencies to the Technical Services Unit Sergeant who shall inform the Specialized Services Bureau Commander.

6.2.4 ALL PROPERTY SUBMITTED TO THE PROPERTY ROOM

A. RMS

1. The Fayetteville Police Department is required to maintain a "Register" of all property submitted for storage and the disposition of it. For the purpose of consistency in terminology, the "Register" in this policy and other policies will refer to the Records Management System (RMS) maintained by the Fayetteville Police Department.
2. The submitting officer and/or case agent shall ensure that the initial entry of all items placed into RMS is accurate and includes the required information below.
3. The Property Room Staff shall ensure that all RMS entries are accurate to the best of their ability and to make corrections to fix identified deficiencies. Once the property is received in the property room, the property room staff shall ensure that the chain of custody, storage, and disposition of the property is recorded in RMS.
4. RMS shall include:

   a) Complete item description (color, make, model, and caliber if applicable)
   b) Date received;
   c) Who submitted the item into Evidence;
   d) Serial Number or other identifying number (if applicable);
   e) OCA Number;
   f) Manner of Disposition;
   g) To whom articles are given; and,
   h) Who released or disposed of the property.

6.2.5 SUBMITTING OFFICER / CASE AGENT RESPONSIBILITY

Officers are responsible for complying with the following procedures, up to and including final disposition of the property, except for the period during which an item is actually in storage. The submitting officer shall, in accordance with the applicable law and this policy, categorize the property as evidence, found property, or safekeeping property.

Once property is submitted and received in the property room, the Evidence Technician is responsible for the custody, control and accountability of all evidence, found property, and safekeeping property.

A. Seizure and Storage

1. Seizure of any property shall be done in accordance with department policies, State and Federal Law.
2. Under no circumstances will an officer hold any property in his/her personal possession beyond the end of their shift.
3. Property storage space is limited and discretion should be used in seizing property.
4. Officers shall ensure that property owners are provided the necessary information to retrieve their property, including a property receipt in accordance with the Operating Procedure 6.04 – FPD Property Receipt Guidelines.
5. Submitting property during times when the property room is unattended:
   a) Officers will contact CRU personnel located at the DCI window to obtain an evidence storage locker key.
   b) Officers shall place all property in the appropriate locker or drop box dependent on the item's size. The storage locker shall remain locked, and opened only by an Evidence

Technician. The completed forms and locker key shall be placed in the drop box.

c) Officers shall place property that is too large to be placed in a locker, such as: televisions, large tools, equipment, stereos, furniture, air conditioners, bicycles, lawn mowers, propane tanks, and other similar items, in the secured cage located in the PAB garage. Paperwork pertaining to these items will be placed in the evidence drop box.

6. During weekends or holidays, if all storage/cage lockers, refrigerator and the drop box are occupied and/or full a Shift Supervisor will contact the Technical Services Unit Sergeant to make arrangements to accommodate evidence storage.

B. Documentation and Packaging

1. Descriptions of all items submitted to the property room must be thorough, precise and in such a manner that the reader should be able to visualize the item without physically examining the item.
2. If an error is found in RMS it is the responsibility of the submitting officer/ case agent to correct theerror as soon as the error is found (or as soon as practicable). If the property was submitted via drop box, locker or the secured cage located in the PAB garage, due to the submission time being during a period that the Property Room is unattended, then these occurrences of inconsistencies shall be documented and the officer's supervisory chain of command will be notified by the Technical Services Supervisor. The submitting officer / case agent must return to make the correction within seven (7) days of notification. In the case of firearms and shell casings, all corrections need to be made upon notification due to the time restraints associated with the National Integrated Ballistic Information Network, NIBIN system and ATF's requirements.
3. Package, seal and tag all property where reasonable and possible. Utilize appropriate bags and/or boxes when consolidating items. Large items shall be tagged in such a manner as to insure that the tag will not accidentally fall off the item.
4. Where property requires laboratory analysis or processing and contamination is possible:

   a) Place the item(s) in a separate sealed package(s).
   b) Complete and attach the "Request for Examination" form.
   c) Set the court date for not less than six (6) weeks from the analysis submission date.

5. Ensure that any currency (U.S. and foreign or counterfeit) is in accordance with Operating Procedure 6.08 - Currency Handling Procedures. (Debit/EBT cards, checks, or credit cards **ARE NOT** considered currency and should be labeled as **DOCUMENTS** for RMS classification purposes).

C. Property Submitted as Evidence

1. **Narcotics Evidence -** Prior to submitting any narcotics as evidence, officers shall count each individual bag, pill, and/or package of narcotics prior to placing items into a sealed container. All pills shall be individually counted and entered as dosage units. Pills and capsules must be individually counted, unless their number exceeds twenty-five (25), then the weight of the pills is permitted. If there is a combination of full and partial pills, a weight should just be listed instead of counting the number of pills. All other narcotics shall be weighed by the submitting officer and a preliminary weight in grams will be entered into RMS and onto the evidence voucher. The final weight of all narcotic evidence sent to the SBI for analysis is to be determined by the SBI Laboratory chemist. If the narcotics are not submitted to the SBI Laboratory or a third party lab, the measurement or count of the submitting officer will be the official weight of record.
2. **Firearms Evidence -** Prior to submitting a firearm as evidence, an officer shall complete the following:

   a) Contact the DCI Clerk to run a stolen check on the weapon to determine if it is stolen.

b) If the owner of the weapon is unknown and the weapon is not entered as stolen, enter the weapon in the Recovered Gun File of DCI.
c) Attach a copy of the DCI/NCIC check to the evidence voucher.
d) All firearms must be unloaded and magazines emptied of ammunition. The firearm, magazine and number of bullets shall be annotated on the evidence voucher and in RMS as a separate item.
e) The forensic collection of firearms shall be completed in accordance with Operating Procedure 6.7 – Forensics Unit Evidence Collection Procedures.

3. BIOHAZARD LABELING- Biological Evidence-The warning "BIOHAZARD" (via label/sticker) shall be prominently displayed on the outside of the packaging materials in such a fashion that anyone coming in contact with the item will be aware of the risk.

4. **Explosive Evidence:**

a) Officer(s) involved in the collection of property that is explosive in nature shall use extreme caution. The only items that will be considered for storage in the property room are fireworks, butane gas and natural gas.
b) Fireworks may be placed in the property room but shall be placed in a sealed package, which will be clearly labeled "fireworks."
c) If seized, butane gas, natural gas or other like items determined to be relatively safe, it shall be stored in the secured cage located at the PAB garage, with the bicycles. These items should not be seized without clearance from the Evidence Room Supervisor.

5. **Perishable Items:**

a) All perishable property, DWI Blood Kits, requiring refrigeration shall be sealed in their own box and placed in the refrigerator located in the property/evidence preparation room #111H. Once an item is placed in the refrigerator the key shall be dropped in the drop box.
b) The property room does not have the capability to store food or beverage and will not accept these items for storage. These items shall be photographed and documented in the submitting officer/case agent's report that the property was returned to the owner.
c) In the case where perishable items are direct evidence of a serious crime, such as poisoning, and perishable items will need to be collected for testing purposes, the Technical Services Supervisor or the Specialized Services Bureau Chain of Command will be contacted to advise them of the evidence being collected to ensure that it is submitted for testing in a timely manner.

D. Property Submitted as Safekeeping

1. Property received by the police department for safekeeping shall be held pending release to the owner or rightful possessor or destruction. This includes the property of any inmate that has not been seized as evidence and is not accepted by the Cumberland County Detention Center.
2. The owner, or rightful possessor, shall receive notification from the submitting officer or / case agent of:

a) A property receipt in accordance with the Operating Procedure 6.04 – FPD Property Receipt Guidelines.
b) Where the property can be picked up, and,
c) The dates and times when the owner or rightful possessor can retrieve the property; and,
d) What type of identification will be required to prove ownership when the owner or rightful possessor appears to retrieve their property; and,
e) That the owner or rightful possessor of the property should arrange for the property to be retrieved within 180 days; and,

f) If the property is not retrieved within 180 days (60 Days for bicycles), the property shall be deemed unclaimed and may be disposed as provided in N.C. Gen. Stat. § 15-12, or, if a firearm, as provided in 15-11.2.

3. The property shall be inventoried and entered into RMS as safekeeping property by the submitting officer / case agent prior to being submitted to the property room for storage. If the safekeeping property is determined to be contraband or relevant to a criminal investigation, the property shall be seized and a criminal investigation commenced that could result in criminal charges.

   a) The manner of disposition of the safekeeping property is the requirement of the submitting officer / case agent to note and no property will be released by the property room staff without permission from the submitting officer / case agent.

4. Firearms submitted for Safekeeping:

   a) Firearms may be voluntarily surrendered to the FPD during a domestic violence call by the victim or the suspect. If the weapons are not evidence of a crime, the submitting officer / case agent may take custody of the property. This property shall be held for safekeeping and may be returned to the owner by the submitting officer / case agent upon proof of ownership provided by the lawful owner and proof that s/he may lawfully possess the firearm. If the claimant cannot prove ownership, or if evidence exists that the claimant may not lawfully possess the weapons, the claimant may file a petition with the court to determine ownership and to order the return of the weapons to him/her.
   b) Once a firearm is submitted into the evidence section, the evidence technician is responsible to ensure that an AOC CR-218 form is completed and forwarded to the District Attorney's Office to be reviewed by an Assistant District Attorney and a Judge to sign off on the AOC CR-218 and return the firearm to the owner.

5. The packaging of safe keeping property such as firearms, narcotics, explosive or perishable items shall be consistent with the directives explained in the property submitted as evidence section of this policy and the same steps will need to be followed prior to submission to the property room.

E. Property Submitted as Found Property

1. Before collecting or submitting found property to the property room, the submitting officer / case agent shall:

   a) Determine the reasonable value of the property. Items that are essentially worthless or appear to have been discarded should be left where they are found or disposed of in a suitable refuse container.
   b) Use all methods available to attempt to identify the rightful owner and return the property. (RMS, DCI, phone directories, contact with other agencies, etc.) BEFORE submitting the property to the property room. The methods used by the officer to attempt to identify or contact the owner of the property shall be noted in the officer's written report.
   c) If unable to determine the rightful owner, the officer shall submit the property into the Property Room with a manner consistent with this Operating Procedure.
   d) A found vehicle license plate shall be checked through DCI as soon as practical to determine the registered owner. Officers should then proceed with returning the registration plate to the DMV.

2. The found property shall be inventoried and entered into RMS as found property by the submitting officer / case agent prior to being submitted to the property room for storage. If evidence or contraband is discovered during an inventory, the property shall be seized and a criminal investigation commenced that could result in criminal charges.

a) The manner of disposition of the safekeeping property is the requirement of the submitting officer / case agent to note and no property will be released by the property room staff without permission from the submitting officer / case agent.

3. Found property received by the property room shall be held for the owner or rightful possessor for 180 days after the owner or rightful possessor is notified of the location of the property or after notice of the property is published.
4. Found property may be released when a lawful owner presents proof of ownership satisfactory to the submitting officer / case agent that the claimant owns the property. A claimant who cannot prove their ownership or right to possession of the property may apply to the court for an order releasing the property to them

6.2.6 EVIDENCE TECHNICIANS RESPONSIBILITY

A. Seizure and Storage

1. When Evidence Technicians are available, they may immediately take custody of property that has been submitted to the property room. The Evidence Technician shall ensure that the RMS Evidence Voucher and packaging have been completed properly before accepting custody of the property to include the following:

   a) Verify that the property described on the voucher and label has been packaged properly in the proper container.
   b) Verify that the proper label has been fully completed and attached to the property submitted
   c) Verify that the information on the label matches the information on the voucher generated by the submitting officer.
   d) Verify that the information contained on the evidence voucher is consistent with the requirements of the "Register" noted in N.C.G.S. 15-11.

2. If upon inspection, the Evidence Technician discovers an error in any or all of the above criteria, the Evidence Technician will not accept the property for storage and it shall be the submitting officer/ case agent's responsibility to correct any noted errors.
3. If the property was submitted via drop box, locker or the secured cage located in the PAB garage, due to the submission time being during a period that the property room is unattended, then these occurrences of inconsistencies shall be documented and the officer's supervisory chain of commandwill be notified by the Technical Services Supervisor. The submitting officer / case agent must return to make the correction within seven (7) days of notification. In the case of firearms and shell casings, all corrections need to be made upon notification due to time restraints associated with the National Integrated Ballistic Information Network, NIBIN, system and ATF's requirements.
4. It is the Technical Services Supervisor and Property Room Staff's responsibility to ensure that all property submitted to the property room for storage is done so with great accountability and in a systematic method that will enable safe keeping and destruction of said property in accordance with Fayetteville Police Department Policies and Procedures as well as state and federal laws.
5. Packages of property/evidence shall only be opened by authorized persons and shall be documented by the investigating officer / case agent.

6.2.7 RELEASE, DISPOSITION AND DISPOSAL OF PROPERTY

A. North Carolina Statutes, court orders, and/or department policy control release and disposal of evidence and property.

B. Before releasing or disposing any property held in the Property Room**:**

1. The Evidence Technician may have written authorization on file, executed by the submitting officer, case agent or their supervisor, that the property is no longer needed for court or investigative purposes, unless the property is found property.
2. The Evidence Technician may have a court order signed by a judge to release or dispose of the property or a completed POL-191 signed by an Assistant District Attorney authorizing the release or disposal of the property.
3. The Evidence Technician, when possible, should verify the serial number, owner applied number or anyother identifying features prior to release or destruction of the property to assure that the property is the actual property identified for release or destruction.

6.2.8 DISPOSITION OF PROPERTY SUBMITTING OFFICER / CASE AGENT RESPONSIBILITY

A. Release of Property to another law enforcement agency: Property which is lawfully seized by the FPD may be released to another law enforcement agency if the property is needed by the other agency for a proper law enforcement purpose and is not subject to a Court Order to retain the property or to release the property to a named individual.

1. It is the responsibility of the submitting officer / case agent to ensure that all property released to another law enforcement agency has been photographed and/or photocopied, and a property receipt shall be completed describing the property, showing to whom the property was released and showing who released the property. The photographs and the property receipt shall be maintained by the submitting officer / case agent and scanned into the appropriate case file in lieu of the property. In the event the owner, the Court or the DA approaches the FPD about the property after it has been transferred to another law enforcement agency, the inquiring party shall be directed to the agency who received the property.

B. Disposition of Evidence - Unless property disposition is covered elsewhere, property seized as **evidence** by law enforcement officers shall be retained by the FPD until one of the listed methods apply. Evidence not covered by one of these methods may **not** be released. It is the submitting officer / case agent, or in their absence the Technical Services Supervisor, responsibility to ensure that one of the seven methods is met:

1. Released to another law enforcement agency for a proper law enforcement purpose; or,
2. The evidence is ordered returned to the lawful owner by the DA after the DA determines the evidence is no longer needed for evidentiary purposes, pursuant to N.C.G.S. 15-11.1(a); or,
3. The evidence is ordered destroyed by the Court, pursuant to N.C.G.S. 15-11.1; or,
4. The evidence is ordered sold by the Court and the proceeds disbursed as ordered by the Court; or,
5. In the case of money, the currency is ordered disbursed by the Court to the Clerk of Court, the School Board or any other lawfully entitled agency or person; or,
6. The evidence is ordered released to a claimant by the Court after the question of ownership is determined by the Court; or,
7. The evidence is introduced into Court as evidence and retained by the Clerk until ordered disposed or returned by the Court.

C. Disposition of Found Property –Found property received by the Property Room shall be held for the owner or rightful possessor for 180 days after the owner or rightful possessor is notified of the location of the property or after notice of the property is published as set forth below. If a claim is not made on the found property after 180 days following this notice, the property shall be deemed "unclaimed property" pursuant to N.C.G.S. 15-12 and disposed as unclaimed property.

1. The PD shall establish a notice on their website that lists with sufficient description found property. The PD shall periodically publicize this found property listing and encourage the public to view the list.
2. Found property received by the Property Room shall be held for the owner or rightful possessor for

180 days after the owner or rightful possessor is notified of the location of the property or after notice of the property is published as set forth below. If a claim is not made on the found property after 180 days following this notice, the property shall be deemed "unclaimed property" pursuant to N.C.G.S. 15- 12 and disposed as unclaimed property.

D. Disposition of Safekeeping Property - Property held for Safekeeping shall be released to the rightful owner upon direction form the submitting officer / case agent who identified the owner and presentment of proper proof of identity, ownership or right to possession and retrieval of the property.

1. Prior to release of the property, the submitting officer / case agent shall conduct an investigation to determine whether the property can be lawfully released to the owner. If the property cannot be lawfully released to the Owner, then the Owner shall be deemed a claimant and may make application for the property's release as set forth below.
2. Property held for more than 180 days (60 days for bicycles) without the owner retrieving the property shall be deemed unclaimed and may be disposed pursuant to N.C.G.S. 15-12.
3. A claimant who cannot prove ownership or right to possession of the property may apply to the Court for an order releasing the property to them.

E. Request by Claimant for Return of Property

1. If the submitting officer / case agent is unsure of the ownership of the property by the claimant, the submitting officer / case agent shall direct the claimant to the appropriate court and encourage them to file a Motion with the Court seeking the Court to determine ownership of the property.
2. If the Court provides the claimant with a Court Order directing the FPD to release the property, the FPD shall comply, provided that releasing the property to the claimant does not violate the law.
3. If the claimant presents a court order to the Property Room and the Property Room determines that releasing the property would violate the law, a copy of the court order shall be provided to the Police Attorney to determine whether to oppose the Order or comply with the Order.
4. If the claimant does not seek a court order within 180 days of notification of the need for a court order, the property shall be deemed unclaimed and disposed pursuant to N.C.G.S. 15-12 as set forth below.

    a) It is the responsibility of the submitting officer / case agent to inform the Property Room that this notification was made and a note will be made by the Property Room Staff to identify that property and keep track of the 180-day time period.

5. Claimants must present proper identification to the Evidence Technician or be approved by the submitting officer / case agent prior to any property being released to him/her.

6.2.9 REMOVAL AND RETURN OF EVIDENCE FROM THE PROPERTY ROOM

A. Officers and detectives may remove property from the Property Room for court or other investigative purposes as follows:

1. When retrieving evidence from the Property Room, officers must sign the Records Management System and indicate the purpose for removal; and,
2. Unless directed by a supervisor, the officer removing property must be the officer returning the property to storage; and,
3. The property must be returned no later than the end of the officer's workday unless it was signed out for the purpose of forensic evaluation, and then the chain of custody will indicate who secured the evidence according to departmental policy; and,
4. In the event it is necessary to leave any property/evidence in court, the officer shall follow the procedures set forth:

a) If the property is not introduced as an Exhibit in Court, the officer will return the property to the Property Room before the end of the day.
b) If the property is introduced as a Court Exhibit, or left with the DA during trial preparation, the officers removing the property from storage will secure a signed receipt from the DA (if left in the DA's possession) or from the Court Liaison's Office (if left with the Court) and return the receipt to the Evidence Technician at the end of the day.
c) Property which is introduced as an exhibit in court will be retained by the Clerk of Court unless the court orders the exhibit disposed, destroyed, returned to the owner or returned to the FPD. If the Court orders the Court Exhibits returned to the FPD, the Exhibits shall be returned to the Property Room and will not be disposed without a Court Order. Property admitted as an exhibit in Court shall not be deemed "disposed" for record keeping purposes unless the Court orders the property destroyed, returned to the owner or delivered to the Cumberland County Board of Education.
d) The officer accompanying evidence to court should complete a supplemental report explaining what property was left in the Clerk's Possession as an exhibit and what property was returned to the Property Room following the court proceedings.

5. It is the responsibility of the submitting officer / case agent to identify property permanently removed from the property room for the purpose of court trial or were introduced at a court proceeding as a court exhibit by the courts will be re-categorized by the Property Room Staff as Court Exhibit in RMS.
6. When items are checked out of evidence, a copy of the chain of custody will be placed in a tickler file and maintained by the Technical Services Unit supervisor in his/her office. Subsequently a chain of custody for returned items will also be maintained in the same tickler file. An audit of the tickler file will be included in the monthly report that is completed by the Technical Services supervisor.

6.2.10 IDENTIFICATION AND DISPOSAL OF UNCLAIMED PROPERTY

A. Destruction of Property:

All property ordered destroyed by the Court shall be destroyed by the Evidence Technicians or the Property Room Supervisor. The date of the destruction, the parties present at the destruction, and a list of all property destroyed shall be entered into RMS according to the specific piece of evidence.

B. Unclaimed Property:

1. Property may be deemed unclaimed under the following circumstances:

a) Found Property that remains unclaimed for 180 days following its receipt; or,
b) Property held for safekeeping that remains unclaimed for 180 days following its receipt or notice to the owner or rightful possessor of its location, whichever is later; or
c) Evidence that has been released either by the DA or by a Court of competent jurisdiction and has remained unclaimed for 180 days after notice to the owner.

C. Disposal of Unclaimed Property:

1. Articles:
a) Pursuant to N.C.G.S. 15-12(a), after remaining unclaimed for 180 days,
b) The PD shall publish in the county a notice that such articles are in the possession of the PD and request all persons who may have or claim any interest in them to make and establish such claim or interest not later than 30 days from the date of the publication of such notice or in default thereof, such articles will be sold and disposed of. Such notice shall contain a brief description of

the said articles and such other information as the said officer or department may consider necessary or advisable to reasonably inform the public as to the kind and nature of the article about which the notice relates.

c) Pursuant to N.C.G.S. 15-13, if unclaimed property is not claimed within 30 days of the notice described above, the PD may sell the property at public auction for cash to the highest bidder at the county courthouse door or at the police headquarters and deliver the property to the purchaser following the sale; or may sell the property through an electronic auction service pursuant to N.C.G.S. 15-14.1. Regardless of the method of sale chosen, the PD shall provide

Notice of Sale pursuant to N.C.G.S. 15-14, to wit: The sale of unclaimed property shall be advertised by:

1. Publishing a notice in the country at least one time not less than 10 days prior to the sale date; and,
2. By posting a notice of the sale at the courthouse door; and,
3. By posting a notice at three other public places in the county.

d) The Sale Notice shall specify the time and place of the sale and contain a sufficient description of the articles to be sold.

2. Bicycles:

a) Bicycles may be treated as other articles (above) or may be handled pursuant to N.C.G.S. 15-12(b). If managed pursuant to N.C.G.S. 15-12(b), after remaining unclaimed for 60 days, the remaining process is consistent with other articles of unclaimed property.

3. Firearms:

a) Pursuant to N.C.G.S. 15-11.2, if the firearm remains unclaimed for 180 days after it may be lawfully released, the PD shall publish at least one notice in a newspaper published in Cumberland County. This notice shall include ALL of the following information:

1. A statement that the firearm is unclaimed and is in the custody of the Fayetteville Police Department; and,
2. A statement that the firearm may be sold or otherwise disposed unless the firearm is claimed within 30 days of the date of the notice's publication; and,
3. A brief description of the firearm and any other information that the FPD Chief may consider reasonably necessary or advisable to reasonably inform the public about the firearm.

b) If the firearm remains unclaimed for a period of 30 days after publication of the notice, the FPD Chief shall order the firearm's disposition in one of the following ways:

1. Destruction: if the firearm does not have a legible, unique identification number or is unsafe for use because of wear, damage, age or modification and is not needed by the PD for training or experimental purposes or is inappropriate for transfer to a museum or historical society; or,
2. By sale, trade or exchange by the PD with a federally licensed firearms dealer in accordance with all applicable State and federal firearm laws or by sale of the firearm at a public auction to persons licensed as firearms collectors, dealers, importers or manufacturers; or,

3. By maintaining the firearm for training or experimental purposes or transferring the firearm to a museum or historical society.

D. Proceeds of Sale of Property - If property is sold either by operation of law or by Court order, the PD may deduct the cost and expenses of the sale and all other necessary expenses from the proceeds of the sale. The remaining proceeds shall be paid within 30 days after the sale to the treasurer of the Cumberland County Board of Education for the benefit of the school system.

6.2.11 DESTRUCTION OF NARCOTICS/CONTROLLED SUBSTANCES:

A. All Narcotics/Controlled Substances ordered destroyed or seized shall be disposed by taking the property to an approved incinerator. The Fayetteville Police Department drug burner will be secured at Fayetteville Police Department Barn. Only the evidence supervisor and evidence technicians have access to and are authorized to use the drug burner.

B. The employees operating the drug burner shall wear safety gloves, long sleeves and safety glasses. It shall be operated at least twenty (20) feet away from any structure, low hanging trees, or any other object that may be ignited by sparks from the unit. While the drug burner is in use, a fire extinguisher shall be on site and readily available.

C. During the destruction of narcotics/controlled substances, a property room supervisor and a property or evidence room technician will be present to witness the process and make an accurate record of the destruction.

6.2.12 PROPERTY RELEASED FOR TRAINING AND INVESTIGATION

A. All requests to retain lawfully seized property for training or investigative purposes must be made, through the chain of command, to the office of the Police Attorney. Upon receiving an approved request for the retention of property, the Police Attorney shall make a motion to the appropriate court to award the property to the FPD. Copies of all court orders and any other documentation related to narcotics and firearms shall be maintained by the appropriate unit Lieutenant and the Evidence Sergeant.

B. All property awarded to the FPD for investigative or training purposes by Court Order shall be appropriately designated as such by the Evidence Technician, and, for items amounting to $5000.00 or more, they shall be listed as City assets through the Finance Department.

C. If firearms are awarded to the FPD by Court Order they shall be added to the FPD weapon inventory list for accountability.

6.2.13 IDENTIFICATION AND DISPOSAL OF BIOLOGICAL EVIDENCE

A. Disposal of Biological Evidence

1. If retention of the biological evidence in a criminal investigation is impractical due to its size, bulk or physical character; OR if the biological evidence should be returned to its rightful owner, the FPD may request the District Attorney to petition the Court for a hearing seeking permission to retain samples of the biological evidence in lieu of the actual evidence itself and then to either return or dispose of the biological evidence. See N.C.G.S. 15A-268(a6) (6).
2. If the FPD wishes to dispose of biological evidence prior to the expiration of the period of time set forth by NC General Statute, the FPD shall:
   a) Determine that the FPD has no duty to preserve the evidence pursuant to N.C.G.S. 15A-1471, i.e. that there has been no request to preserve biological evidence filed by the Innocence Inquiry Commission with the FPD, the DA or the AG. See N.C.G.S. 15A-1471, 15A-268(b)(1a).
   b) Send notice of its intent to dispose of the evidence to the DA in the county in which the conviction was obtained; and,

c) The DA will notice interested parties, including the PD of the FPD's intent to dispose of the evidence with instructions on how to object to the destruction of the evidence; and:

i. If the FPD receives NO OBJECTIONS within 90 days following service of the notice on all parties by the DA, the FPD should seek the consent of the DA to dispose of the evidence as regular seized property; See N.C.G.S. 15A-268(b) or,
ii. If an objection is filed within 90 days of service of the notice of intent to dispose, the DA will schedule a hearing and the FPD will be bound by the Court's ruling. See N.C.G.S. 15A- 268(c) through 15A-268(f).

B. Storage and Maintenance of Biological Evidence

1. Physical Evidence that is reasonably likely to contain any biological evidence collected in the course of a criminal investigation or prosecution shall be subject to a continuous chain of custody and shall be preserved, regardless of the date of collection, in a manner reasonably calculated to prevent

   contamination or degradation and with official documentation sufficient to locate the evidence. N.C.G.S. 15A-268(a1).
2. Biological Evidence shall be retained and preserved for a period set forth in N.C.G.S. 15A-268(a6), to wit:

   a) If the defendant is convicted (pled guilty or found guilty) and sentenced to death, the evidence shall be held until execution; or,
   b) If the defendant is convicted (pled guilty or found guilty) and sentenced to life without parole, the evidence shall be held until death of the convicted person;
   c) If the defendant has been found guilty following a trial of a class B1-E felony offense of homicide, sex offense, assault, kidnapping, burglary, robbery, arson or burning, the evidence shall be held until any sentence has been served, including post release supervision and any period on the sex offender registry; or,
   d) If the defendant has pled guilty to a class B1-E felony offense of homicide, sex offense, assault, kidnapping, burglary, robbery, arson or burning, the evidence shall be held until the earlier of three years following the date of conviction or the suspect's release from prison; or,
   e) In unsolved homicide or rape investigations, the evidence shall be held until the case is solved; or,
   f) If the evidence is unrelated to a criminal investigation, the evidence shall be held as authorized by the FPD.

3. The FPD shall retain any court orders or written directives authorizing the destruction of biological evidence. See N.C.G.S. 15A-268(a7).
4. If a defendant requests in writing an inventory of biological evidence relevant to the defendant's case in the custody of the FPD, the FPD shall prepare an inventory and include any court orders or written directives that the FPD contends justify the destruction or disposition of any biological evidence unaccounted for in the inventory and provide the inventory to the requesting person. See N.C.G.S. 15A-268(a7).

6.2.14 PROPERTY ROOM INSPECTIONS AND AUDIT

It is the policy of the Police Department to receive and safely store Evidence, Found Property, property held for Safekeeping and Court Exhibits; and to return the property to the rightful owner, or otherwise lawfully dispose of the property, in a timely manner. The department will use the audit, inspection and inventory process as a means to ensure the integrity of this function. The purpose of an audit and inspection is not solely to verify compliance with policies and procedures, but also to identify areas that need improvement or updating and to correct procedural deficiencies. The following inspections of the

Property Room will be conducted:

A. Monthly Inspections

1. Monthly Inspections of the Property Room facilities will be performed by a Technical Services Unit Supervisor. An inspection sheet will be completed and the inspection results will be attached to the monthly report. The inspections are conducted to ensure that:

    a) The Property Room is being maintained in a clean and orderly fashion.
    b) Procedures, orders and directives concerning the property management system are being followed.
    c) Property is being protected from damage or deterioration.
    d) Proper accountability procedures are being maintained.
    e) Property having no further evidentiary value is being disposed of promptly.

2. The Evidence Technician will correct any deficiencies noted on the inspection sheet. The Technical Services Unit Supervisor conducting the inspection will follow up to ensure deficiencies are corrected. This monthly report will be forwarded through the chain of command to the Service Bureau Commander.

B. Annual Audit

1. An annual audit of property and evidence held by the Property Room will be conducted by a supervisor not directly assigned to the property and evidence function. The supervisor will be assigned to conduct the audit by the Chief of Police or designee.
2. An inspection of the lockers and log books will be included during the annual audit. The appropriate Unit Lieutenant or Team Sergeant (Narcotics/K-9) will be present and will be documented in the inspection report with any discrepancies reported immediately to the appropriate District Captain.
3. The purpose is to ensure the integrity of the system and accountability of property. The audit will include a significant representative sampling of all property to include high-risk property items in accordance with the procedures outlined in subsection E of this policy.
4. At the completion of the Annual Audit, the person leading the process will document the audit in a memorandum that will be forwarded to the Chief of Police through the Specialized Services Chain of Command.

C. Unannounced Annual Inspection

1. An annual documented unannounced inspection of the Property Room will be conducted by a supervisor not directly assigned to the property and evidence function. The supervisor will be assigned to conduct the audit by the Chief of Police or designee.
2. An inspection of the lockers and log books will be included during the annual unannounced inspection. The appropriate Unit Lieutenant or Team Sergeant (Narcotics/K-9) will be present and will be documented in the inspection report with any discrepancies reported immediately to the appropriate District Captain.
3. This unannounced inspection is not meant to be a time consuming task and only requires entering the property and evidence areas and inspecting for cleanliness, orderliness and tracing a few pieces of property and evidence to ensure the items are in the proper place as stated in the property and evidence records.

    a) This inspection will select items from various sections of the Property Room, not just the high risk items. The expectation is that the inspection will consist of items selected from the “sheet to shelf” and from “shelf to sheet.”

4. At the completion of the Unannounced Annual Inspection, the person leading the process will document the inspection in a memorandum that will be forwarded to the Chief of Police through the Specialized Services Chain of Command.

D. Special Audit

1. An audit of property will occur when a new Technical Service Unit Sergeant or a property and evidence custodian is assigned to and/or transferred from the position.
2. The Special Audit will be conducted by the newly appointed employee and a designee of the Chief.
3. At the completion of the Special Audit, the Technical Services Sergeant will document the inventory in a memorandum that will be forwarded to the Chief of Police through the Specialized Services Chain of Command.

E. Procedures

1. A sampling of the total amount of high risk (e.g. money, precious metals, jewelry, firearms and drugs) property records under the FPD's care must be reviewed with respect to documentation and accountability. The sample size will be determined using the table below.
2. The sampling of items will be evaluated in both a "sheet to shelf" and "shelf to sheet" format. Half of the items will be sensitive items identified on the sheet provided and then they will be located on the shelves. The other half of the items will be identified from the shelf and they will be located in the record management system.
3. An error rate that exceeds four percent will require a full inventory of the high risk item

Pieces of High Risk Evidence / Property	Required Sample Size
100	92
250	203
500	341
1000	516
1500	624
2000	696
2500	748
3000	787
3500	818
4000	843
4500	863
5000	880
5500	894
6000	906
6500	917
7000	926
7500	934
8000	942
8500	948
9000	959
10000	964
15000	996
20000	1013
25000	1023
50000	1045
100000	1056

6.2.15 U.S. CURRENCY PROCEDURE

A. All U.S. Currency "Cash" received or released by the Evidence Section will be logged into the Record Management System (RMS). The cash will remain sealed in its original packaging and will be stored in a locked safe located in Evidence Room 111 C, which is a secured room within the evidence section.

B. Confidential Funds: Is described as City of Fayetteville currency which is utilized by Detectives/Officers in the investigation of cases. Detectives/Officers who recover confidential funds should notate on the currency envelope that the currency is recovered "Confidential Funds".

C. Disposal of Confidential Funds

1. All recovered Confidential Funds that have been turned in to the Evidence Room will be entered into RMS and an individual barcode placed on the outside of the currency envelope.
2. The following will be required prior to the Evidence Section releasing Confidential Funds:

   a) Documentation from the submitting Detective/Officer requesting the release of confidentialfunds, and
   b) a "release of funds" document from the Cumberland County District Attorney's Office, or
   c) a court order directing the FPD to release funds.

3. Transfer of Confidential Funds:

   a) Once proper documentation is received the Narcotics Lieutenant or Captain will be notified and a time will be scheduled for the transfer of funds.
   b) Evidence Technicians will prepare the transfer by scanning each individual barcode into RMS and sign the "release of funds" form.
   c) The Narcotic Unit Lieutenant or Captain will also sign the "release of funds" form indicating they have received the funds.
   d) The sealed currency envelopes will then be given to the Narcotics Lieutenant or Captain along with a printed receipt of the transfer.
   e) A Receipt of Special Investigations Funds form (POL -518) will be completed by the Narcotics Lieutenant or his/her designee for each transaction and included in the Narcotics Lieutenant Monthly Confidential Funds report for the respective month of the transfer.
   f) This process will be subject to periodic review by the Specialized Service Division Commander, the Vice Investigations Commander, and/or the City of Fayetteville Office of Internal Audit.

6.2.16 REFERENCES

N.C.G.S.15-11	Sheriffs and police departments to maintain register of personal property confiscated, seized or found.
N.C.G.S.15-11.1	Seizure, custody and disposition of articles; exceptions.
N.C.G.S.15-11.2	Disposition of unclaimed firearms not confiscated or seized as trial evidence.
N.C.G.S.15-12	Publication of notice of unclaimed property; advertisement and sale or donation of unclaimed bicycles.
N.C.G.S.15-13	Public sale 30 days after publication of notice.
N.C.G.S.15-14	Notice of sale.
N.C.G.S.15-14.1	Sale of property through electronic auction.
N.C.G.S.15A-268	Preservation of biological evidence.
N.C.G.S.15A-1471	Preservation of files and evidence; production of files and evidence; forensic and DNA testing.
POL 518	Receipt of Special Investigation Funds
POL 518	DA Release Request

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

6.3.0 OBJECTIVE

To establish a procedure for the proper handling, securing and record keeping of in-custody evidence maintained by the Forensic Unit.

6.3.1 FORENSIC EVIDENCE (F/E) TECHNICIAN

A. The Technical Services Unit Supervisor will assign and supervise an Evidence Technician to manage evidence submitted by the Forensic Unit.

B. The assigned Evidence Technician is responsible for the accountability, preservation, chain of custody, and final disposition of evidence relinquished to his/her custody by the Forensic Unit. Physical evidence must be preserved for the development of leads, laboratory examination, and/or the presentation in court.

C. Alternate Forensic Evidence Technician

D. The Technical Services Unit Supervisor will assign an alternate \Evidence Technician in writing. The alternate Evidence Technician will be assigned the forensic evidence duties in the event that the assigned Evidence Technician is absent in excess of five (5) working days. Before assuming forensic evidence duties, the alternate Evidence Technician will be familiar with all rules, regulations and policies of the Forensic Evidence Control Section.

6.3.2 ADMINISTRATION

Forensic Technicians will submit items of evidence collected at crime scenes to the assigned Evidence Technician. The Evidence Technician is responsible for the management of items of evidence collected by Forensic Technicians.

6.3.3 FORENSIC TECHNICANS

A. Forensic Technicians are responsible for collecting items of evidence from crime scenes that assist in:

1. Determining a crime occurred
2. Substantiating clues to support findings
3. Identifying criminal suspects
4. Requiring additional analyses

B. Forensic Technicians are responsible for the proper collection, marking, packaging and sealing of physical evidence in accordance with department policies and procedures.

C. Forensic Technicians can provide the investigating officer with an “Evidence Recovery Log” (POL-332) to reflect any evidence collected. If evidence is to be submitted to the State Crime Laboratory for further analysis, the investigating officer can complete a digital “Request for Examination of Physical Evidence” (SBI-5) via the Forensic Advantage Portal or the investigating officer can submit a Request for Forensic Services via Laserfiche Forms and a Forensic Technician can complete the digital SBI-5 for them.

D. If a Forensic Technician collects items of evidence on weekends, holidays or is unable to make contact with an Evidence Technician during normal working hours, items of evidence will be secured in designated evidence lockers or secured storage areas. Prior to securing items of evidence in the locker, the items will be properly marked, packaged, sealed with the appropriate paperwork attached. Once the evidence is secured in the locker/cage, the key will be deposited in the designated drop box.

E. Under **no circumstances** will a forensic technician hold any items of evidence in their personal possession beyond the end of their tour of duty.

F. All items of evidence collected must be secured in a designated evidence locker, released to the Evidence Technician, or placed in a temporary Forensic Unit Evidence Locker.

G. Temporary evidence storage lockers are located within multiple secure areas within the Forensic Unit. These lockers will be utilized for the "temporary" storage of evidence while it is being processed for submission to the Evidence Technician. All evidence stored in these lockers should be processed within fourteen (14) days. If the evidence cannot be turned in to the Evidence Technician within fourteen (14) days, the Forensic Supervisor will be briefed and will have to authorize the delay. An explanation of the delay will be documented with an accompanying "Exception to the 14-Day Rule" (POL-337) included with the Forensic Technician's report packet.

H. Once items of evidence accompanied with the appropriate paperwork are relinquished to the Evidence Technician, he/she is then responsible for the custody, control, preservation and accountability of those items.

6.3.4 EVIDENCE TECHNICIAN RESPONSIBILITIES

A. The Evidence Technician will:

1. Inspect all incoming evidence to ensure that it has been properly marked and packaged.

2. Complete the following on the "Evidence Inventory/Property Receipt," prepared by the Forensic Technician:

    a) Sign the form.
    b) Fill in the "location" space and "document number" space in the lower right-hand portion of the form.
    c) The "location" represents the area in the evidence room where the item has been placed.
    d) After making these entries, give the Forensic Technician the pink and gold copies of the "Evidence Inventory/Property Receipt."
    e) Maintain the original and first copy and place them in a master evidence file.

3. The Forensic Technician should make a copy for his/her records of the laboratory request if the item of evidence needs to be sent to the State Bureau of Investigation laboratory.

    a) The computer lab request will be attached to the evidence and placed in the designated area for evidence that is to be transported to the laboratory.
    b) Once the evidence has been signed for at the laboratory, a copy of the lab request will be placed in the master file.

4. An Evidence Technician will transport all evidence to the State Bureau of Investigation Laboratory for analysis and pick up all evidence that needs to be transported back once a week.
5. All handguns meeting the criteria set by the I.B.I.S. examiner will be submitted to the Cumberland County I.B.I.S. System for firing and entering into the I.B.I.S. database. The Technical Services Unit Supervisor will assign an Evidence Technician to perform this activity.
6. Provide Forensic Technicians and investigating officers with a copy of the lab report for their case files. The original laboratory report will be placed in the master file.
7. Dispose of evidence in a timely manner when authorized.
8. Provide testimony on the chain of custody of any evidence coming into his/her possession.
9. The master file consists of a file folder with the "Document Number" and contains the "Receipt for Evidence," "Lab Request," "Lab Reports," and any other documents concerning the evidence.
10. The documents in this file are original copies to ensure compliance with the "Best Evidence Rule" when the case goes to court.

11. After the case has been disposed of in court and the evidence is destroyed, the original copy of the destruction sheet will be placed in the master file. Destruction sheets will be completed for ALL items.

    Ensure that all evidence accepted into the system is in compliance with this policy. If a Forensic Technician attempts to submit evidence that is not in compliance with these procedures, the Evidence Technician will not accept the item and contact their supervisor for assistance.

B. Pre-trial Examinations

The Evidence Technician will produce evidence for pre-trial examination upon request. Defense attorneys often make requests for pre-trial examination of evidence to the District Attorney. The following guidelines will be used when producing evidence for District Attorneys and defense attorneys:

1. Detective Division personnel will coordinate with the Evidence Technician, the requestor, and a Forensic Supervisor for a date and time for review.
2. Defense attorneys will not examine evidence without the assigned District Attorney being present.
3. Evidence will not be examined in the Evidence Section working area.
4. Evidence will not leave the Police Department for the purpose of examination by attorneys.
5. A Forensic Technician may open the evidence for examination. In the event that a sealed package has to be reopened the "original seal" will not be bothered; the package will be opened in the following manner:

    a) Annotate on the package the date, time, and initials of person opening the package along with a brief explanation for opening (i.e. open for examination, open for photographing).
    b) Open the packages by carefully cutting along one of the sides not affected by the original seal and save this cutting.
    c) When finished with the item, place it back in the original package along with the cut off portion.
    d) Reseal the package and annotate "resealed at: time, date, and initials." The new seal is initialed in a manner that the initials will cross the seal and the package.
    e) If the package is opened for a detective, DA, or defense attorney, have them place their initials on the package as a witness to the opening and resealing.

6. During the examination phase, the evidence will never leave the visual presence of the Detective.

C. Producing Evidence for Court

It is the assigned officer or case detective's responsibility to pick-up, transport, and return the evidence related to their case to court for trial. The officer/detective is responsible for obtaining a receipt/exhibit list for items of evidence held by the courts and submitting the receipt/exhibit list to the Evidence Technician. The Evidence Technician will provide testimony on the chain of custody, storage, transportation, and department evidence procedures when subpoenaed for a case.

6.3.5 SECURED REFRIGERATION STORAGE

A. Refrigeration units are used for preservation of perishable items of evidence, such as liquid blood samples, and other biological samples for later examination by laboratory personnel.

B. A secured refrigeration unit is provided to Forensic Technicians for the short-term storage of perishable items of evidence. At the first opportunity, the Evidence Technicians will remove items of evidence from the refrigeration unit. The Evidence Section will use a secured refrigeration unit for the storage of perishable items of evidence pending examination at the laboratory.

6.3.6 CELLULAR DEVICE STORAGE

A. During normal business hours all cellular devices requiring data extraction should be taken to the Forensic Unit and transferred to a Forensic Video Technician directly or other member of the Forensic Unit.

B. A Request for Forensic Services via Laserfiche Forms needs to be completed for the extraction (one request per OCA)

C. Upon transfer officers have no more than seventy-two (72) hours to provide a search warrant to the Forensic Digital Media Section for the desired data extraction.

D. Outside of normal business hours the following protocol will be followed for any cellular device which was recovered in a powered-on state:

1. Officers will contact CRU personnel located at the DCI window to obtain a cell phone storage locker key.
2. Officers will not turn the device off but rather place the device in airplane mode when possible. Place the device in the appropriate cellular phone locker, place the key in a Ziploc bag, with the OCA and the officer's name written on the bag, and then drop the key in the media drop box located in the Forensic Unit hallway.
3. Officers should place a copy of their search warrant in the box outside of the Digital Media Lab's door. Officer are expected to provide a search warrant for the device within seventy-two (72) hours from the time of collection for the desired data extraction.
4. If there are no cellular phone lockers available the officer needs to do an exchange of custody of the device, and a copy of their search warrant with the on duty Forensic Technician for storage. If the officer does not have a search warrant at that time the officer has no more than seventy-two (72) hours to provide a search warrant to the Forensic Digital Media Section for the desired data extraction.

E. Every Monday morning (unless holiday) the lockers will be emptied by the Digital Media personnel. An email will be sent to all personnel and their supervisors for any device which has exceeded the seventy-two (72) hour expectation for a copy of a search warrant.

F. Any cellular device that was powered off at the time of collection does not need to be placed into one of these lockers but should be turned into evidence under the protocol for all other evidence submissions.

6.3.7 EVIDENCE DISPOSITION

A. Evidence Technicians will generate 180-day disposition sheets and send to investigating officers or detectives to determine the status of cases in which physical evidence was collected. When disposition can be made on evidence in a case, the appropriate evidence disposition authorization form will be forwarded to the Evidence Technician.

B. Evidence connected to homicide cases will not be subject to disposal and will be maintained by the Evidence Technician.

C. The Evidence Technician will promptly dispose of evidence, preventing an overload on the property management system and reducing the requirement for additional space. If a Forensic Technician is not following up on case dispositions, the Evidence Technician will notify a Technical Services Unit Supervisor for appropriate action.

D. The Evidence Technician is responsible for burning, crushing or destroying, any evidence that has no monetary value and for which final disposition has been made. A Technical Services Unit Supervisor will witness all evidence destruction. The appropriate "Evidence Destruction" form will be completed and placed in the evidence file.

By Order Of: Kemberle Braden, Chief of Police
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **6.4**
	Subject **FPD PROPERTY RECEIPT GUIDELINES**	**Effective Date** 16 September 2015
	Revised 10-26-89, 11-15-89 (Pg. 2 SP), 02-25-02	**Page** 1 of 1

6.4.0 OBJECTIVE

To establish guidelines governing property receipts.

6.4.1 METHOD

A copy of the Fayetteville Police Department Property Receipt will be given to a person or left in a conspicuous location under the following circumstances:

1. Property has been seized from a person and is being held for safekeeping.
2. Property has been turned over to an officer by a citizen.
3. Property has been seized pursuant to a consent search or legal justification to search.
4. Following an inventory count of an arrested subject's money during the jail intake process.

6.4.2 COMPLETING AND DISTRIBUTING THE RECIEPT

A. Officers will complete all applicable areas of the receipt.

B. When obtaining property from a person, his/her signature is required in the block marked "Items seized/received from:"

C. When the block marked "other legal justification" is checked, the justification must be entered in the space provided.

D. After the property receipt has been completed, the yellow copy will be given to the person from whom the property was obtained. If there is no person available, the copy must be left in a conspicuous location.

E. The white copy of the property receipt will be forwarded to Central Records Unit, attached to an incident report, that details how the property was obtained and where the property is located at the time the report was submitted.

F. When an FPD Property Receipt is issued as a result of the jail intake process to document money counted from an arrested subject, the dollar amount will also be recorded on the CCDC Jail Intake Form.

REFERENCES

OP 3.5	Securing, Searching, and Transporting Arrested Persons
O.P. 6.2	Evidence and Property Management

By Order Of: Harold E. Medlock
Digitally Signed

6.5.0 OBJECTIVE

To provide guidelines and establish parameters designed to effectively utilize and dispatch Fayetteville Police Department (FPD) Forensic Technicians.

6.5.1 DEFFINITIONS

A. Evidentiary Significance - Evidence that requires expeditious processing or analysis to ensure preservation and/or leads to potential identification and prosecution of the offender(s).

B. Investigative Significance – Evidence that does not directly identify the suspect(s); however, does have bearing on proving or disproving other facts and/or actions in the incident.

6.5.2 FORENSIC TECHNICIAN DISPATCHES FOR SERVICE

A. Forensic Technicians should be dispatched to crime scenes where there is evidence present that could lead to the identification and prosecution of the offender(s) or other cases where documentation and preservation of the evidence is deemed to have other investigative significance. Exceptions can be made to the below listed criteria for those cases having evidentiary significance or those directed by sworn command staff, detective, or the Forensic Manager.

B. It is important to evaluate each incident when deciding to request on scene forensic services. Individuals should consider how the potential evidence can contribute to the investigation, as well as the effects of weather, temperature, and surface conditions of the evidence to be collected and/or processed.

6.5.3 CALLS FOR SERVICE

Forensic Technicians should not be dispatched to the following types of incidents unless the exceptions described in this policy apply:

1. Misdemeanors
2. Desk Reports
3. Vandalism
4. Graffiti

    a) Officers are available with cameras dedicated to photograph graffiti.

5. Found Property

    a) Exception: When the length of time the property has been at the location does not adversely affect the potential of obtaining latent prints.
    b) When the property is suspected of being related to a specific case or suspect.

6. Damage to Property

    a) Exception: Serious damage where there is evidence that could lead to the identification and prosecution of the offender(s).

7. B & E of a Vacant Residence
8. Attempted B & E of a Residence (No Entry Gained)
9. B & E & L of Storage Sheds, Storage Units, Storage/Construction Trailers

10. Breaking and Entering of Motor Vehicles

    Should not be processed under the following conditions, except when obvious presence of fingerprints or blood can be seen on the vehicle:

    a) When the surface is unsuitable for latent print processing (faded paint, chipped/corroded surface).
    b) When three days have elapsed since the incident occurred.
    c) When nothing has been taken.
    d) When there are no signs of forced entry and the victim states all doors were locked.
    e) When window is broken out and the only items missing are those that were readily accessible.

11. Recovered Stolen Motor Vehicles

    a) Exception: a reasonable belief that the vehicle has been involved in or linked to a more serious felony (blood or bullet hole(s) in vehicle). Also, vans that have had the seats removed for the purpose of motorcycle and other thefts.
    b) Exception: law enforcement information describing a similar vehicle being used in other criminal activity.
    c) Exception: any vehicle in which the ignition is punched or steering column is broken and the vehicle has been hotwired.

12. Motor Vehicle Accidents

    a) Exception: Serious bodily injury or death.
    b) Exception: Any vehicle involved in a police chase where other vehicles and/or property were damaged by a suspect vehicle or law enforcement pursuit vehicle.
    c) Exception: situation guided by policy (city/police vehicle).

13. Traffic Stops (for example, photographing open containers)
14. Collection of Victim Rape Kits

    a) Forensic Technicians do not collect rape kits from victims. Victim rape kits are collected at a hospital by hospital staff.

15. Photos for Insurance Companies
16. Attended Deaths where no foul play is suspected

By Order Of: Harold E. Medlock
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **6.6**
	Subject **FORENSIC UNIT COVERAGE, TRAINING AND EQUIPMENT**	**Effective Date** 07 November 2025
	Revised 10-15-15	**Page**
	CALEA Standard 33.6.1, 83.2.1	1 of 3

6.6.0 OBJECTIVE

To establish guidelines for Forensic Unit coverage, training and assigned equipment.

6.6.1 TWENTY-FOUR HOUR CRIME SCENE COVERAGE

A. A Forensic Technician will be on duty to process crime/collision scenes seven days a week, twenty-four hours a day. One off-duty technician, including a Forensic Supervisor, will be on call if the on-duty Forensic Technicians become backlogged with calls for service and need additional assistance.

B. The Forensic Manager and Forensic Supervisors will provide 24/7 on call supervisory coverage to respond to homicide and other serious or complex crime scenes.

6.6.2 TRAINING FOR NEWLY APPOINTED FORENSIC UNIT EMPLOYEES

A. All newly appointed Forensic Unit employees will participate in an entry level field training program.

B. The Forensic Manager is responsible for oversight of the training programs.

C. Forensic Technicians in training will be assigned to a Forensic Supervisor or Forensic Technician based on the training topic required.

D. The objectives of the field training program are to develop the skills outlined in the area of responsibility where the new employee will be assigned within the Forensic Unit:

1. Crime Scene Investigation: Forensic Technicians
2. Fingerprint Examination: Latent Print Examiners
3. Firearms Examination: Firearms Examiners
4. National Integrated Ballistics Information Network (NIBIN): NIBIN Technicians
5. Digital Media Examination: Forensic Digital Examiners
6. Forensic Unit Supervisory Training

E. A Forensic Trainee will train in the area of expertise in which they are assigned with a qualified Trainer. Training will be documented and feedback provided to the Trainee on a weekly basis by the assigned trainer or Forensic Supervisor.

F. A trainee will not be assigned to solo field work prior to completion of training and approval of the Forensic Supervisor and Forensic Manager. The Forensic Manager is responsible for documenting the recommendation to release the Forensic Trainee to unsupervised casework.

6.6.3 SPECIALIZED AND IN-SERVICE TRAINING FOR THE FORENSIC UNIT

A. The Forensic Manager and Forensic Supervisors are responsible for identifying and developing training opportunities related to updated information of laboratory capabilities, new equipment and examination techniques.

B. Training at the department will be provided on scheduled training days, at shift briefings or on a one-on-one basis as needed. The Forensic Manager or Forensic Supervisors will develop quarterly training topics for all Forensic personnel.

C. The Forensic Manager and Forensic Supervisors are responsible for identifying specialized training needs and opportunities to provide specialized training.

D. Specialized training that impacts the FPD training budget will be requested during the annual budget cycle for submission of unit training needs.

6.6.4 OFFICER TRAINING IN CRIME AND ACCIDENT SCENE PROCESSING

A. The Forensic Manager or a Forensic Supervisor will assist in providing training, upon request, to Fayetteville Police Officers in the Basic Law Enforcement Training Academy in the areas of crime scene and forensic services.

B. Forensic Unit personnel will assist in providing latent print processing training to Fayetteville Police Officers upon the completion of Basic Law Enforcement Training Academy.

6.6.5 FORENSIC EQUIPMENT AND VEHICES

A. Forensic Technicians and Forensic Supervisors are required to maintain a latent print processing kit that will be placed in the crime scene vehicle at the beginning of each shift. At a minimum, the latent print processing kit will contain adequate supplies to efficiently process various surfaces for potential latent prints.

B. Forensic Technicians and Forensic Supervisors are required to maintain a digital camera kit that will be placed in the crime scene vehicle at the beginning of each shift. The digital kit contain the following items:

1. Digital camera with lens cap, neck strap, and two camera batteries
2. Zoom Lens with lens cap and hood
3. Fill flash with diffusion done, flash stand, and a case
4. Minimum of five, 16 gigabyte memory cards
5. Four sets of four regular AA batteries
6. Hard storage case
7. Pad of Photo Cards (POL-605)
8. Remote shutter release
9. Flash cord
10. ABFO Scale
11. Six-inch gray or white scale
12. Black and red sharpie markers

C. Forensic Technicians and Forensic Supervisors are responsible for ensuring their assigned forensic vehicle is equipped with the following operating supplies

1. Gunshot residue collection kits (5)
2. Distilled water ampules
3. Disposable tweezers/hemostats
4. Evidence/Photo markers (1-100)
5. Electronic digital measuring device
6. 100-foot tape measure
7. 25 or 35-foot tape measure
8. Small plastic containers
9. Small envelopes
10. Sterile disposable scalpels
11. Electrostatic dust print-lift kit (*)
12. Mylar sheets for electrostatic dust print kit (*)
13. Cable ties
14. Chain of Custody Forms (POL-448)
15. Dental Stone Casting Kits (*)
16. Alternate Light Source Kit (*)
17. Trace Evidence Collection Kit
18. Minimum two boxes each of large, medium and small gloves
19. Extra-large, large, medium, and small paper bags
20. Large, medium, and small plastic bags
21. Sterile paint cans (minimum of 4-quart cans and 2-gallon cans)
22. Hand sanitizer
23. Paper towels
24. Biohazard spray cleaner
25. Insect spray
26. Suspect kits (2)
27. Trace tape
28. Roll of packing/craft paper
29. Tool kit
30. Booties (30 pair)
31. Post mortem fingerprint kit (*)
32. Blood visualization kit (Luminol/BlueStar) (*)
33. Rifle boxes
34. Handgun boxes
35. Evidence packaging tape with tape gun
36. Crime scene screens (2) (*)
37. Crime scene tape (*)
38. Metal detector
39. Body bag seals

40. Crime scene forms
41. Garbage bags small and large
42. Biohazard bags small and large
43. Baby wipes
44. Measuring wheel (*)
45. Tyvek Suits various sizes (5)

(*) Not in Supervisors vehicles

6.6.6 REFERENCE

O.P. 6.1	Crime Scene Processing, Responsibilities, and Submitting Evidence for Examination
O.P. 6.5	Forensic Technician Dispatches for Service
O.P. 6.7	Forensic Unit Evidence Collection Procedures

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **6.7**
	Subject **FORENSIC UNIT EVIDENCE COLLECTION PROCEDURES**	**Effective Date** 22 July 2024
	Revised 10-15-15	**Page** 1 of 12
	CALEA Standard 83.2.1, 83.2.2, 83.3.1, 84.1.1	

6.7.0 OBJECTIVE

To establish guidelines for Forensic Unit evidence collection and processing.

6.7.1 PROCESSING DNA EVIDENCE

A. DNA Evidence can be collected from any object or surface. Only a few cells are needed to obtain useful DNA and because extremely small samples of DNA can be collected as evidence, first responders, detectives and forensic technicians must focus greater attention to avoid contamination issues when identifying, preserving and collecting DNA evidence.

B. DNA evidence can become contaminated when DNA from one source is mixed with DNA from other objects/items of evidence, or DNA from persons processing or otherwise in the crime scene. To avoid contamination of evidence the following precautions shall be taken:

1. Wear gloves, changing them between collecting items of evidence.
2. Use disposable instruments or clean instruments thoroughly before and after handling a sample.
3. Avoid touching the area where DNA may exist.
4. Avoid talking, sneezing or coughing over evidence.
5. Avoid touching your face, nose or mouth when collecting and packaging evidence.

C. Collection of DNA - When possible the entire item should be collected and preserved. However, this is not always possible.

1. If a stained area is located, cut it out and preserve the stain ensuring to leave a ½ to 1-inch margin around the stain. If the stain is multi-layered, cut deep enough to obtain a sample of each layer.
2. Use the two-swab method when collecting samples with swabs. Moisten one sterile swab with sterile water and swab the surface/area for evidence followed by a dry swab over the same area.

D. Elimination Samples - The effective use of DNA may require the collection and analysis of elimination samples. Elimination samples may be necessary to determine whether evidence comes from the suspect or someone else. DNA should be collected from the medical examiner during the autopsy for all homicide victims. Elimination samples are sometimes needed in sexual assault cases to eliminate recent sexual partners as potential contributors for the presence of DNA suspected to be from the offender.

E. Transportation and Storage - After DNA evidence has been collected it should be secured in paper bags or envelopes. Plastic bags will retain moisture and will not be used for collecting DNA evidence. Do not use staples to secure storage bags. When transporting/storing evidence that may contain DNA:

1. Keep evidence dry and at room temperature.
2. Avoid exposing evidence to direct sunlight.
3. Avoid keeping evidence in places that may get hot, such as a vehicle or area that is not climate controlled.
4. Contact the SBI laboratory for long-term storage concerns.

6.7.2 PROCESSING FINGERPRINT EVIDENCE

A. Latent Fingerprints are developed utilizing various types of fingerprint powders. Once the latent fingerprint is developed, it is lifted utilizing fingerprint tape and then transferred to a fingerprint lift card. All pertinent data on the reverse side of the fingerprint lift card will be completed. When the Forensic Technician returns to the office, the following steps will be taken:

1. Record the number of latent fingerprint lift cards collected at a particular crime scene and enter the data into the "Master Log."
2. Place the latent print cards in a latent print card envelope, completing the appropriate blocks of information and chain of custody, and deposit the latent fingerprint lifts in the "Latent Print Section Lock Box."

B. The Latent Print Examiner assigned to the latent examination unit will retrieve the deposited latent cards from the lock box, inventory them and sign for them on the chain of custody on the back of the latent print card envelope.

C. When an item of evidence must be transported from the scene to be processed for latent prints at a later time, the Forensic Crime Scene Technician will use rubber gloves and ensure that the handling of the item does not destroy existing fingerprints.

D. Elimination Fingerprints should be collected from all persons on scene that would have had a legitimate reason to have touched or handled an object prior to it being processed.

6.7.3 PROCESSING LIQUID, DRIED AND TRACE EVIDENCE SAMPLES

A. Liquid Samples will be collected using one of the following methods:

1. Small quantities of a liquid sample will be collected utilizing two sterile cotton applicators. Collection should start at the tip of the sterile cotton swab and dipped into the liquid, if possible until the entire swab is saturated. The sample will then be air dried, marked for identification and packaged in an evidence envelope.
2. Large quantities of liquid will be collected as follows:

    a) If the amount of liquid is such that several ounces can be collected, sterile quart size paint can be used and 6 – 8 ounces of the sample will be collected and placed into the sterile paint can. The paint can will be sealed and a piece of tape placed across the seal and initialed.
    b) An evidence label with the pertinent information will be placed on the side of the paint can. To ensure integrity of the liquid sample in case if leakage, the quart can should be sealed inside of an Arson Bag.

B. Dried Samples will be collected using one of the following methods:

1. Whenever possible, a dried sample will be collected on the object that it appears. This may require carpets to be cut, removal of flooring or removal of walls. Collection of a dried sample on the object that it appears gives the laboratory examiner the maximum opportunity for analysis.
2. If the dried sample cannot be collected on the object that it appears, one of the following two methods is utilized:

    a) A sterile disposable scalpel will be used to scrape the dried sample into a trace fold. The trace fold will be marked for identification and placed into an evidence envelope/paper bag.

b) Care must be used when scraping a dried sample, particularly when scraping biohazard materials: eye protection should be worn to prevent flakes from being inadvertently flying into the eyes.
c) Additionally, portions of, or all the dried substance can be inadvertently flung away from the catching envelope and be lost. Therefore, swabbing as described below is the preferred method.
d) A sterile swab will be moistened with distilled water and then the area swabbed until a transfer is obtained. If possible, a minimum of two collections / swabs should be obtained.

C. Trace Evidence will be collected using the following methods:

1. A visual examination of the area to be processed will be conducted.
2. When possible, the visual examination will be assisted by the use of the Forensic Alternate Light Source.
3. When individual items of trace evidence are observed, they are collected, placed in a trace fold, marked for identification and placed in an evidence envelope.
4. When large areas will be processed for trace evidence, it will be accomplished by using the "Trace Tape" approved by the State Bureau of Investigation Laboratory.
5. Once the trace material has been transferred to the tape, the tape will be affixed to a clear plastic bag and sealed and marked for identification in an outer bag. Tape will not be affixed to itself, sticky side to sticky side.

6.7.4 PROCESSING SEXUAL ASSAULT KITS

A. Victim Sexual Assault Kits are no longer supplied by the State Bureau of Investigation Laboratory. Victim sexual assault kits are collected by SANE nurses at a hospital. Completed victim sexual assault kits will be picked up from the hospital from where it was collected and submitted into the Evidence Section.

B. Suspect sexual assault kits are supplied by the Forensic Unit and collected by Forensic Technicians. Instructions in the kit will be followed for sample/evidence collection. Suspects should stand on a clean sheet of paper when clothing is collected and the paper folded over itself to preserve any trace evidence that has fallen from the suspect and packaged separately as an item of evidence. The completed suspect sexual assault kit will be submitted into the Evidence Section.

6.7.5 PROCESSING OTHER PHYSICAL EVIDENCE IN THE FIELD

A. Physical Evidence gathered at the crime scene will be collected and placed in bags to prevent the introduction of foreign materials.

1. Small, medium, large and extra-large paper bags along with cardboard boxes will be used to collect items of physical evidence. The paper bags and cardboard boxes will be marked for identification and sealed.

    a) Paper and cardboard are the preferred packaging medium because it is porous and prevents the growth of bacteria, which can deteriorate evidence.
    b) Anything that will be submitted for fingerprint processing should be packaged in paper or cardboard; plastic can cling to surfaces which can destroy latent prints.

2. Small, medium, and large plastic bags may be used to collect items of value. The plastic bags are marked for identification and sealed.

    a) Normally dry drug evidence is suitable for packaging in plastic bags. Sealed plastic holds in moisture, which can cause bacterial growth and destroy evidence; particularly biological evidence for DNA/serological testing.

3. Wet items of evidence will never be placed in plastic bags.

a) The items will be placed into the controlled evidence drying room/chamber to be aired dry.
b) Once the items are dried, they will be placed into the appropriate size brown paper bag and the bag will be marked for identification and sealed.
c) Exception: Arson evidence will be packaged as described below in Paragraph B, in airtight containers to prevent accelerant evidence from evaporating.

B. Arson Evidence containing suspected accelerative residues will be placed in nylon arson bags or sealed metal cans. Liquid flammables will not be placed in containers with rubber seals as the liquid may destroy the seals. Under no circumstances will plastic bags be used to collect material suspected of containing flammable material. The Forensic Technician will prepare a lab request and submit the evidence to the SBI Lab at the request of the investigating officer.

C. Footwear and Tire Impressions will be photographed with and without a scale, and with and without side lighting, if possible. When possible, the impression will be cast utilizing dental stone. While the dental stone is still wet, it will be marked for identification or it can be marked after it has dried with an ink marker. Once the dental stone has dried, it will be wrapped in butcher paper and placed in a cardboard box. The dental stone cast will not be washed.

D. Soil Evidence will be collected immediately after the occurrence of the crime, if possible. The following guidelines will apply:

1. Whenever possible, collect the soil on the object that it appears.
2. Soil, mineral, and rock samples will never be mixed. If they are discovered close together, they will be kept separate after collection.
3. Soil samples will be packaged in sterile paint cans or nylon arson bags.
4. Lumps or aggregates of soil may contain two or more different layers and shapes. When practical, very carefully pick out the lumps from other debris and soil and allow the lumps to dry. After the lumps have dried, they must be carefully wrapped in tissue paper.

E. Paint Evidence can be identified as to color, composition, and layer structure. Paint chips with many layers of different colors and types of paint provide good evidence and may even be unique. The following guidelines will apply:

1. Whenever possible, submit the entire item bearing paint transfer/smears. Depending on size, package the item in an evidence envelope, brown paper bag or wrap in butcher paper.
2. When the aforementioned method is not possible, cut out the area surrounding the transfer/smear. Depending on size, package the smear in an evidence envelope, brown paper bag or wrap in butcher paper.
3. As a last resort, chip the paint transfer/smear into a trace fold chipping deep enough to obtain all layers of paint to include primer and base coats. Place trace fold into paper bag, seal, and mark for identification.

F. Wet Evidence will be dried in the air-drying cabinet prior to packaging or submission to the laboratory. When evidence is packaged wet, it often results in the growth of mold.

G. Liquid Blood Samples and other biological materials must be delivered promptly to the refrigeration unit located in the Evidence Section.

H. Money or Narcotics Evidence will be collected using the following guidelines:

1. If the money and narcotics has no bearing on the case, then it will be handled as other items of evidence and collected by the officer or detective.
2. Good, detailed close-up photographs will be taken of the money and/or narcotics.
3. At the office, the narcotics will be weighed, placed in a proper container and sealed.

4. Money will be collected in accordance with money handling procedures outlined in the Operating Procedure entitled Evidence and Property Management.
5. When the containers of narcotics and/or money will be fingerprinted, the following steps will be taken.

    a) The officer or detective will empty the money and/or narcotics out into a suitable container.
    b) The original container will then be packaged separate until it can be processed.

I. Temporary evidence storage lockers, located in the Forensic Unit Processing Garage, Forensic Unit Clean Room, and the Forensic Unit Drying Room, will be used for the "temporary" storage of evidence while it is being processed for submission to the Evidence Technician. All evidence stored in these lockers will be processed within 14 days unless authorized by the Forensic Unit Supervisor using the "Request for Exception to the 14 Day Rule" form. The form must be turned in once the evidence processing has been completed and included in the Forensic Unit case folder.

J. Live Marijuana Plants, will be collected and packaged using the following guidelines:

1. The marijuana plant stem will be separated from the root system and the root system will be discarded and not collected.
2. The marijuana plant will then be broken down and placed into a PAPER BAG and sealed using available tape.
3. The sealed paper bag will then be placed into a cardboard box and sealed.
4. The evidence tags will be secured to the exterior of the cardboard box and the box will be turned into evidence for storage.

6.7.6 PROCESSING QUESTIONABLE DEATH VICTIMS

Questionable Death Victims will be transported to the autopsy facility in such a manner as to ensure the preservation of any evidence that may be present on the body.

1. No clothing and/or other items may be removed from the body (e.g. jewelry, ropes, etc.). The only exception is fragile or trace evidence that may be lost while transporting (e.g. hairs, paint chips etc.).
2. The trace evidence will be collected, placed in a trace fold, placed in an evidence bag/envelope and marked for identification.
3. Notification of the removal of trace/fragile evidence from the body of the deceased will be made to the Medical Examiner as soon as possible.
4. The victim's hands will be covered with paper bags, which will be sealed at the wrist with tape.
5. The victim will be placed in a sterile body bag. The two zippers that close the body bag will be sealed through the eyelet in the zipper handle with a serial numbered seal by the Forensic Technician.
6. The Forensic Technician will take an overall photograph of the body bag with the seal affixed and a close-up photograph of the seal's serial number prior to the decedent being transported from the scene.
7. Once at the autopsy facility and in the presence of the pathologist performing the autopsy, the deceased will be processed for evidence.

6.7.7 PROCESSING FIREARMS RELATED EVIDENCE

A. All handguns and cartridge cases will be submitted to the Forensic Unit National Integrated Ballistic Information Network (NIBIN) Section for entry into the NIBIN database.

1. Firearms collected at crime scenes will be collected by packaging in an appropriate size cardboard box.
2. No visible portion of the firearm will be marked or engraved.
3. The firearm will be rendered safe before packaging and then secured inside the box with zip-ties.

4. The firearm, magazine, any cartridge from the chamber, and/or cartridges from the magazine can be secured separately inside the same box.
5. For revolvers, the cylinder, in line with the barrel will be marked with an ink marker with a small line at the top of the cylinder. A diagram will be prepared depicting the location and configuration of any cartridges/cartridge cases in the cylinder as well as cylinders with no cartridge inserted. The cartridges/cartridge cases can be secured as a group or separately as needed in the box along with the revolver.
6. The firearm will be processed for latent evidence and touch DNA as needed prior to extensive handling.
7. Under no circumstances will any object be placed in the barrel area of a firearm. If a firearm is found in a body of water, it will be collected while immersed in a sample of the same water.
8. The firearm's condition will be documented as follows:

    a) Make, model, serial number.
    b) Slide forward, slide locked to rear.
    c) Safety on/off.
    d) Magazine seated (Yes/No).
    e) Cartridge/cartridge case in chamber.
    f) Number of cartridges in magazine and order of load.
    g) Revolver cylinder secure (Yes/No).
    h) Rotation direction of cylinder.
    i) Cylinder order of load.
    j) Cylinder diagram as described below.
    k) Revolver/pistol: hammer forward or cocked to rear.
    l) The same considerations as described above should be noted for long guns and assault rifles.

B. Projectiles will be collected with the utmost care to prevent damage to the lands and grooves left on the fired projectile. Metal tweezers or other metal tools will not be used in the collection of projectiles. Projectiles will not be marked for identification. Projectiles are packaged individually using a two-bag method (one inner bag with projectile is placed into a secondary bag which is properly sealed and marked for identification.) This is to ensure protection against the projectile puncturing through a single bag and the disfiguration of the lands and grooves.

C. Cartridge Cases and Shot Shells will be collected with the utmost care to prevent damage to the markings left by the firing pin. Cartridge cases and shot shells will be packaged using a two-bag method (one inner bag with projectile is placed into a secondary bag which is properly sealed and marked for identification.). This is to ensure protection against disfiguration of markings left by the firing pin.

D. Gunshot Residue Tests must be performed without delay (must be completed within four hours of the incident to be a valid test) on any suspect where there is probable cause to believe a firearm was discharged in the commission of a crime. The Standard Gunshot Residue Kit, approved by the State Bureau of Investigation Laboratory, will be used. The instructions in the Gunshot Residue Kit will be followed.

E. Clothing of a Gunshot Victim is valuable evidence in determining the distance of the firearm from the victim when it was discharged. The shot pattern or powder pattern on clothing aids in determining the distance. Clothing must be handled carefully; excessive shaking or brushing may remove the powder pattern. Clothing will be air dried and packaged in a brown paper bag. To prevent transfer of one side of the pattern to the other do not fold a potential gunshot residue pattern over itself. Place clean paper over the pattern and fold the garment over the paper and then package in paper outer packaging, seal and mark the container.

6.7.8 PROCESSING TOOL MARK EVIDENCE

A. Tool Marks will be collected using one of the following methods:

1. When possible, the tool mark should be photographed in place with and without a scale, and with and without cross lighting. This will be a comparison quality photograph with a close-up lens.
2. When appropriate, the item bearing the tool mark will be collected. The item bearing the tool mark will be placed in a brown paper bag, cardboard box or wrapped in butcher paper. Any further packaging steps necessary to ensure the tool marks are not damaged will be taken.
3. When an item is too bulky to collect, an impression of the tool mark will be made. The impression is then wrapped, marked for identification, and placed in an evidence envelope.

B. Suspect Tools will be collected in the following manner:

1. The part of the tool that is suspected of having made the mark will be wrapped with butcher paper so that it will not get bumped or scratched.
2. A chip or scratch can change the whole character of the tool mark.
3. The tool will be packaged as described for tool marks above, except close-up photographs of the tools marking surface need not be taken.

6.7.9 MARKING AND LABELING PHYSICAL EVIDENCE

A. Forensic Technicians will be provided with the following items for marking and labeling physical evidence:

1. Permanent ink marking pen.
2. Evidence labels for marking the outside of evidence packaging.

B. Forensic Technicians will mark or label all physical evidence collected with their initials, time and date.

C. Marking or labeling items of evidence may damage the item, such as projectiles. Forensic Technicians will ensure that evidence that is too small or may be damaged is immediately placed in the appropriate container using the two-bag method (one smaller inner bag placed into a larger outer bag.). The Forensic Technician will then seal the container and mark it with their initials, time, date, and photo marker number.

D. Items of evidence should not be marked on the item itself. Identifying information will be marked/labeled on the outer packaging containing the item,

Evidence collection outer packaging will be labeled with the following information:

1. Case number
2. Date and time of collection
3. Location
4. Victim
5. Description of item
6. Technician's name

E. All seals will be marked with the initials of the collecting Forensic Technician and the date of collection. The initials and date will be placed in a manner that they will cross the seal and the packaging container. In the event that a sealed package must be reopened, the "original seal" is not to be broken; the package will be opened in accordance with those procedures outlined in the Operating Procedure entitled Forensic Unit Evidence Management.

6.7.10 CRIME SCENE PHOTOGRAPHY

A. Forensic Technicians will use digital cameras to photograph crime scenes.

B. When photographs are requested at a crime scene, technicians will ensure that all aspects of the scene are photographed.

1. The Technician will begin each series of photographs by taking a photograph of the Photo Card (POL-605) depicting the number of the starting frame/photograph and the Compact Flash Card number.
2. When photographing the scene, the Technician will end the series of photographs by photographing the Photo Card (POL-605) ensuring that the card depicts the number of the last frame/photograph taken.

C. Anytime a Forensic Technician photographs a scene, the initial photographs will depict the scene as it appeared to him/her.

1. Particular attention should be paid to documentation of evidence through photography.
2. Overall, mid-range and close-up photography of the scene exterior, interior and all evidence should be obtained.
3. Overall and mid-range perspective views of evidence items should be taken to ensure a thorough view of the evidence from different sides is obtained.

D. After the initial photographs have been taken, it may be necessary to photograph certain objects with a scale.

1. The scale will later aid in determining the exact size of the object.
2. Prior to placing a scale next to an object, an unobstructed photograph will be taken from the same position.
3. The photographs of the object, without and then with a scale, will be accomplished using the same camera position, (90 degree/right angle), lighting and camera settings.

E. At nighttime scenes, or scenes where inadequate lighting is present, the Forensic Technician should use the extra flash/strobes or the painting with light technique to enhance photography.

6.7.11 EVIDENTIARY PHOTOGRAPHS AND VIDEOTAPES

After taking crime scene photos, the photos will be compressed into a zip folder and uploaded into E. Com by the Forensic Technician. The photo placard (POL 605) will be provided to the Digital Media Section for creation of a case file or uploading the zip folder into an existing case file.

The Forensic Technician assigned to the Digital Media Section will:

1. Retrieve the deposited SD cards and corresponding photo cards (POL-605)
2. Create a case file in E.Com or move the zip folder uploaded by the Forensic Technician into an existing case file.

6.7.12 CRIME SCENE SKETCHES

A. Forensic Technicians collecting evidence at a major scene will prepare a crime scene sketch as needed. The crime scene sketch will include:

1. Measurements are normally recorded in the measurement log, but may be recorded on the sketch, provided the measurements do not clutter the sketch area. Should a sketch become too cluttered, multiple sketches should be completed.
2. Relationship of the crime scene to other buildings, geographical features, or roads.
3. Location of significant features of the scene, including the victim.
4. Date of preparation.
5. Names of the persons preparing the sketch.
6. Directions North.
7. Case number.

8. Location of items of physical evidence removed.
9. A “to scale” or “not to scale” statement.
10. Location of measurement reference points.

B. Forensic Technicians will prepare rough sketches in the field, recording the information indicated above. A final crime scene drawing can be prepared after returning to the Forensic Office for homicides and other serious crimes.

6.7.13 CRIME SCENE REPORT

A. Narrative reports detailing the conditions present and the results of crime scene examination/analysis and reconstruction performed by the Forensic Unit should include, but are not limited to, the following section headings in the order listed. Copies of all forms and logs referred to in this section are listed in the appendix of this guideline.

1. Report of Crime Scene Findings: This is the main title for the body of the crime scene report
2. The narrative description of the scene will be described in appropriate detail to provide justification for any subsequent analysis and opinions that may be included in the report.
3. The Report of Crime Scene Findings title block will include the following headings with appropriate information completed following the heading:

a)	**OCA Case Number**:	The case number assigned in accordance with RMS.
b)	**Incident:**	The type of incident being investigated.
c)	**Investigating Officer/ Detective:**	Last name and call sign.
d)	**Location and Sector:**	The street and address, common name, description, or GPS coordinates and county of the location of the scene/s.
e)	**Date:**	The date or dates the scene was processed.
f)	**Suspect/s:**	Suspect/s full name (Race/Sex/DOB).
g)	**Victim/s:**	Victim/s full name (Race/Sex/DOB).

B. The body of the Report of Crime Scene Findings will include the following headings and be written in third person:

1. Reference: Detailed synopsis describing which officer/detective requested the crime scene assistance.

   a) The summation will also include a brief description of the location and circumstances regarding the incident being investigated, and other persons contacted during the crime scene examination.
   b) This is only a brief description; detailed information should not be entered. It is important that the description of circumstances relate who provided the information (i.e.: investigator, patrolman, special agent, victim, etc.).

2. Overall Scene: A general description of the scene, its contents and features. The narrative should include rooms, doors, windows and general contents pertinent to the scene. Both interior and exterior conditions should be reported when relevant to the nature of the incident.

3. Scene Conditions: Specific conditions relevant to the incident under investigation should be documented.

   a) Factors relevant to suspect entry and exit should be in the beginning of this section.
   b) Evidence of damage, movement, cleanliness, untidiness, disarray, odors and transient/short-lived evidence should be described.
   c) Areas that are undisturbed, areas with a lack of specific evidence and the condition of negative evidence should be noted.

d) The location and description of evidence, specific conditions relevant to the crime scene and investigation, as well as a detailed description of the decedent in death cases should be well documented.
e) For simplicity, large or complex scenes can be divided into rooms or sections/sectors.
f) Environmental conditions should be reported in this section.
g) Note weather, scene, and temperature conditions and their effect on evidence and/or scene processing: Include the presence or state of dried, partially dried or wet evidence.

4. Documentation and Processing: A synopsis of locations processed and actions completed at the scene (i.e.: Sketching, measuring, photography, latent print processing, etc.).

   a) A statement relating the Authorization to Process for Latent Prints form was signed and who signed the form should be included in this section.
   b) Locations processed should be written in a list format.
   c) Special processing techniques (presumptive blood testing, bloodstain enhancement, use of the alternate light source, body cyanoacrylate fuming, etc., should be described in this section if not detailed in the Scene Conditions section.
   d) Information regarding photography of the scene should be included.

5. Evidence Collected: A description of evidence collected and its disposition.

   a) A detailed description of each agency number collected, its corresponding photo marker (when applicable), and from where it was collected.
   b) Pertinent information the reporting Forensic Technician feels is important regarding evidence that is not explained in a previous section should be explained in this section.
   c) A list of the latent lifts obtained from the scene is included in this section.
   d) Photos taken

6. Scene Analysis: The results and opinions of the scene analysis such as, bloodstain pattern analysis, bullet trajectory analysis, event sequencing and opinions regarding conditions at the scene are detailed in the section.

   a) Analysis and opinions documented in this section must be substantiated and corroborated by evidence documented in the Narrative Summary and Scene Analysis sections of the crime scene report, as well as scene images/photographs/video/diagrams listed in the attachments section of the report.
   b) This section should only be used if scene reconstruction or analysis is conducted as part of the report.

7. Remarks: This section includes any information that does not fall under any of the aforementioned sections.

8. Attachments: Any notes, sketches, forms and final draft forms/documentation that were generated as part of crime scene processing and post scene activities, should be listed in this section. Attachments should be listed in the order in which they are posted. See the example below.

   a) Crime Scene Diagrams
   b) Digital Image Proof Sheets.
   c) Photograph Logs.
   d) Evidence Logs.
   e) Administrative Worksheets and Other Forms.

6.7.14 SERIOUS CRIMES WHERE NO CRIME SCENE IS PROCESSED

All serious felony crime scenes including homicide, rape, arson, robbery and major assault will be photographed and processed for physical evidence. In incidents where crime scenes cannot be photographed or processed for physical evidence, the detective will fully document in his/her supplemental report the reasons why the crime scene could not be processed.

6.7.15 SUBMITTING EVIDENCE TO FORENSIC LABORATORY

A. When Forensic Technicians collect evidence, it will be submitted to the Evidence Technician in accordance with Operating Procedure entitled Forensic Unit Evidence Management and Operating Procedure entitled Collection and Preservation of Evidence for the purpose of:

1. Storage; and / or
2. Submission to a laboratory

B. The State Bureau of Investigation Laboratory will not accept evidence without the required amount of "known standards" for comparison purposes. Therefore, evidence collected at crime scenes will be held in the Evidence Control Section until "known standards" for comparison purposes can be provided.

C. All evidence collected for DNA analysis can be sent to the State Bureau of Investigation Laboratory or coordinated through the Forensic Manager for obtaining the most competitive price, identifying the specific analysis needed, for submission to a private laboratory. If private laboratory is utilized, the outside laboratory must be ISO 17020 or ISO 17025 accredited for DNA analysis.

6.7.16 COLLECTION OF A "KNOWN STANDARD"

A. A significant degree of the value of laboratory examinations concerns the identification of substances and their comparison with materials from "known standards."

B. The "known standard" represents the suspected source of the transferred particles. "Known standard" are especially needed in the examination/analysis of blood and other body fluids, hairs, fibers, fabrics, paint, glass, wood, soil and tool marks.

C. The following guidelines will be utilized in the collection of "known standards".

1. When possible, submit the entire item.
2. When the above is not possible, collect a representative sample as large as reasonably possible.
3. Collect "known standards" from all items that could have been involved in either a primary (direct contact) or secondary (from an article contacted by both suspected and known items) transfer.

D. Samples from a "known standard" such as in the case of glass, wood, paint and metal will be taken where fractures have occurred.

6.7.17 REQUESTING LABORATORY EXAMINATIONS

A. The Lead Forensic Technician will be responsible for submitting evidence/items to the SBI Laboratory for examination. If another Forensic Technician collects evidence during a follow-up, they will ensure that the Lead Forensic Technician is made aware so the Lead Forensic Technician can submit the evidence to the SBI Laboratory.

B. It is the responsibility of the investigating officer to request/instruct the Crime Scene Technician of any specific examinations he may request of the evidence/items collected.

C. It is the responsibility of the Lead Forensic Technician to prepare the SBI-5 "Request for Examination of Physical Evidence" for submission of the evidence to the SBI.

6.7.18 TRANSFER OF CUSTODY OF PHYSICAL EVIDENCE

A. When a Forensic Technician collects evidence, a Chain of Custody will be completed, followed by an entry into the Records Management System (RMS) to assign agency item number(s). The Chain of Custody indicates the following evidence transfer information:

1. Date of transfer
2. Printed name and signature of person releasing evidence
3. Printed name and signature of person receiving evidence
4. The purpose for change of custody

B. If the evidence is to be submitted to the SBI Laboratory, a "Request for Examination of Physical Evidence" form will also be completed. The "Request for Examination of Physical Evidence" form will be completely filled out including a synopsis of the event and examinations desired.

C. Every time a piece of physical evidence is transferred from one person to another, the transfer will be documented in the RMS system or by a physical chain of custody form (Evidence Inventory/Property Receipt POL 448).

D. All records pertaining to the chain of custody will be maintained in the files located in the Evidence Section.

6.7.19 REFERENCE

O.P. 6.1	Crime Scene Processing Responsibilities and Submitting Evidence for Examination
O.P. 6.3	Forensic Unit Evidence Management
O.P. 6.4	FPD Property Receipt Guidelines
O.P. 6.6	Forensic Unit Coverage, Training and Equipment

By Order Of: Kemberle Braden, Chief of Police
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **6.8**
	Subject **CURRENCY HANDLING PROCEDURES**	**Effective Date** 24 May 2023
	Revised 01-05-22, 08-08-22,	**Page** 1 of 3

6.8.0 OBJECTIVE

To provide guidelines for processing, recording, storing, releasing, and disposing of physical evidence and property in accordance with State and Federal Laws.

6.8.1 DEFINITIONS

Biological Evidence: includes the contents of a sexual assault examination kit or any item that contains blood, semen, hair, saliva, skin tissue, fingerprints, or may reasonable be used to incriminate or exculpate any person in a criminal investigation whether that material is catalogued separately on a slide or swab, in a test tube or some other similar method or is present on clothing, ligatures, bedding, other household materials, drinking cups, cigarettes or any other item of evidence. NCGS 15A-268(a).

Confidential Funds: is described as City of Fayetteville currency which is utilized by Detectives/Officers in the investigation of cases.

Evidence: for purposes of this section, evidence is property that tends to prove or disprove the existence or non-existence of a fact or circumstance which is probative of either the commission of a crime or the guilt or innocence of a person alleged to have committed a crime, including, but not limited to, documents, exhibits, material objects, photographs, writings or anything that is perceivable by the senses.

Found property: Non-evidentiary property that is not associated with a criminal case or a criminal investigation and is considered lost. Found property comes into the possession of the PD for the purpose of locating and returning the property to the lawful owner. Found property may come into the possession of the PD through third parties who deliver property to law enforcement officers, or from law enforcement officers who find lost property and deliver it to the PD. Found property does not include property that is intentionally abandoned.

Safekeeping Property: Property which is not evidence or found property, but which was received by law enforcement for safekeeping until the owner can recover the property from the PD.

Seized Property: Property that is seized as either contraband or evidence. Seized property becomes evidence for purposes of this section.

6.8.2 SUBMITTING OFFICER / CASE AGENT RESPONSIBILITY

A. All money (foreign, U.S., and counterfeit) found, seized with a search warrant, seized during a traffic stop, or turned over to any employee for safekeeping shall be turned in to the Property Room. The following guidelines will apply:

1. The receiving employee will issue a signed property receipt in accordance with Operating Policy 6.4 – Seized / Recovered Property Receipt to the person the currency is recovered from.
2. The currency shall be counted by three employees, to include one supervisor, to verify the count of money. Body worn cameras should be activated while counting currency, and all employees who counted the currency shall sign the currency envelope (POL-671).
3. All currency shall be sealed in correctly completed currency envelopes (POL-671) and officers' initials placed across the end of the sealed tape before it is placed into evidence.

B. Ensure that any currency (U.S. and foreign or counterfeit) is separated from other property and is placed in a currency envelope (POL-671) according to the above process. The currency envelope and total amount of currency shall be listed as ONE item on the evidence voucher.

1. Counterfeit currency shall be separated from U.S and foreign currency and secured in a currency envelope as described above. Each currency envelope shall be entered in the RMS Evidence Module as a separate item on the evidence voucher by the submitting officer.

C. Return of funds prior to submission to a financial institution – If cash is to be returned or transferred to another entity prior to the funds being submitted to a financial institution, the requesting individual(s) shall make a formal request through the lead or responsible case agent and the responsible officer or their chain of command shall then coordinate with the Technical Services Supervisor or Evidence Room Staff to have the funds returned to the requesting individual. The transfer of property and chain of custody shall be recorded in RMS.

D. Return of funds after submitted to a financial institution – Once funds have been placed into a financial institution control, no cash shall be returned to victims, owners or other governmental agencies unless approved in writing by the District Attorney's Office or court. The requesting individual(s) shall make a formal request through the lead or responsible case agent and the responsible officer or their chain of command shall then complete a "Voucher Request" by Friday at 1600 hours. Once the check is available to be returned to the requesting individual the lead or responsible case agent shall then coordinate with the Technical Services Supervisor or Evidence Room Staff to have the funds returned to the requesting individual. Checks shall not be mailed to individuals and must be signed for by the receiving party. When the City issued checks are released from the Evidence Room, the following shall be recorded on the Release Money Log and in RMS by an Evidence Technician:

1. Amount of Check
2. City Check Number
3. OCA Number
4. Name of receiving individual
5. Evidence Technician releasing check

6.8.3 EVIDENCE ROOM PROCEDURE / RESPONSIBILITY

A. All U.S. Currency "Cash" received or released by the Evidence Section shall be logged into the Record Management System (RMS) and a cash ledger system maintained by the City of Fayetteville Police Department. The cash shall remain sealed in its original packaging and temporarily stored in a locked location in Evidence Room 111 C, which is a secured room within the evidence section.

B. Unless specifically requested by the submitting officer, all cash submissions shall be deposited in the evidence and property's account within fourteen (14) days of submission. Exceptions to this are:

1. Cash with Biological Evidence contained on the paper and/or coin;
2. Cash covered in dye due to a detonation of a dye pack;
3. Cash with unusual markings identified by a victim;
4. Cash identified as evidence relevant to determining guilt in a given case, i.e., money recovered from a suspect that is evidence of a theft or any money;
5. Written exception through the submitting officer's chain of command requesting that the money be stored in the Evidence Room for a longer period, this will not exceed thirty (30) days from the original submission date.

C. Cash Ledger System shall be maintained by the City of Fayetteville Police Department denoting all cash entering or leaving the Evidence Section. The ledger shall denote initial balance, credits, debits and the balance on hand. An additional cash ledger system shall be maintained by the City of Fayetteville's Finance Department detailing all cash being deposited or withdrawn from the City's authorized account.

D. A complete reconciliation of all cash maintained in the Evidence Section to the Police Department's cash ledger system, the Records Management System, and the City's authorized account shall be conducted as part of the monthly inspection in accordance with Operating Procedure 6.02 – General Property Management. The reconciliation shall be completed by the Technical Services Supervisor, who shall compare the amount identified on the sealed evidence envelope to the ledger recording all cash entering and /or leaving the Evidence Section, the Records Management System and the City's authorized account. The monthly reconciliation shall be reviewed and approved by the Service Bureau Chain of Command up to and including the Bureau Commander.

1. Deposits/Transfer of Funds – identified cash submissions to be deposited with a financial institution shall be prepared for the deposit by the following procedure:
    a) The Technical Services Unit supervisor and Police Analyst shall identify and transport the appropriate evidence sealed packages to a financial institution identified by the City of Fayetteville Finance Department. The Technical Services Unit Supervisor shall be present for the transport of the currency and verification at a financial institution. The currency envelope shall be opened and all contents counted for accuracy with a staff member of the City of Fayetteville Collections Department.
        a. Should a cash discrepancy be discovered, the cash is to be placed back into the evidence envelope, sealed and the Technical Services Supervisor shall contact the submitting employees chain of command.
    b) Upon verification of the submitted amount, the cash shall be deposited into the financial institution
    c) The case shall be updated in the cash ledger system to show the cash was deposited into the authorized account identified by the City's Finance Department.
    d) After the deposit is turned over to financial institution a copy of the deposit receipt and deposit log shall be retained for accountability purposes.
    e) Any deposited amount that is different than the amount on the evidence voucher shall be corrected in RMS in the notes field by the Technical Services Unit supervisor.

6.8.4 RECOVERED CONFIDENTIAL FUNDS

The recovery and handling of confidential funds shall be in accordance with Operating Procedure 5.08: Confidential Funds and Use of Informants.

By Order Of: Kemberle Braden
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **7.1**
	Subject **YOUTH SERVICES**	**Effective Date** 20 February 2026
	Revised 11-09-88, 03-14-00, 03-07-01, 02-25-02, 05-15-04, 03-31-10, 2-15-11, 08-25-16, 08-13-20, 06-28-24, 11-12-24	**Page** 1 of 3
	CALEA Standard 44.1.1, 44.1.3	

7.1.0 OBJECTIVE

To establish operational procedures for handling juvenile victims of child abuse, neglect, or sexual assault by identifying the child at risk, ensuring necessary medical treatment, preventing further abuse, and working with all agencies involved in the Cumberland County Multi-Disciplinary Team Child Abuse Investigative Protocol.

7.1.1 DEFINITIONS

A. Juvenile – A person who has not reached his 18th birthday, is neither emancipated, nor married, nor a member of the Armed Forces. [N.C.G.S. 7B-1501]

B. Abused Juvenile – A juvenile who has been injured by other than accidental means or sexually assaulted.

C. Caregiver – A person who attends to the needs of a child or dependant adult (i.e. parent, stepparent, son, daughter, live-in boyfriend/girlfriend, babysitter, daycare provider, nursing home/hospital staff).

D. Temporary Custody – Taking physical custody of a juvenile, this shall not be more than 12 hours, or not more than 24 hours, if any of the 12 hours falls on a Saturday, Sunday or Holiday. [7B-1900]

E. Non-Secure Custody – Taking physical custody of a juvenile per a court order and placing them in a non-secure facility, with a suitable relative or with another person designated by the court, i.e. Foster home.

7.1.2 RESPONSIBILITIES

A. Youth Services is a component of the Investigative Division. The Youth Services Unit Commander has primary supervisory responsibilities of personnel and operations assigned to Youth Services.

B. The responsibilities of the Youth Services Sergeant include the following:

1. Direct, control, and evaluate Youth Services Detectives.
2. Review completed investigations of offenses involving juveniles.
3. Assist the detective in determining the appropriate action, such as petition, detention, or referral to another agency.
4. Maintain a liaison with school systems, the Department of Social Services, and other agencies dealing with juveniles.
5. Ensure proper assignment and follow-ups are made in missing juvenile cases, runaway cases, juvenile sex assault, and child abuse investigations.
6. Any other duties and responsibilities as delegated by the Youth Services Unit Commander.

C. The responsibilities of Youth Services Detectives include the following:

1. Coordinate the processing of cases involving child abuse, child sexual assault, and run-away cases.
2. The Youth Services Detective will investigate felony-related physical abuse and/or neglect of children perpetrated by the parents, legal guardians, legal custodians, and caretakers.
3. The Youth Services Detective will investigate all incidents of sexual abuse against children.

4. Juvenile death investigations, with the Fayetteville Police Department's Homicide Unit being the primary investigative unit. The unit will provide guidance and support.
5. Actively investigate missing juvenile/runaway cases.
6. Communicate with juveniles through community programs in an effort to make them aware of dangerous areas and influences.
7. Conduct presentations for the public in reference to juvenile-related issues.
8. Any other duties and responsibilities as required.

7.1.3 PATROL RESPONSE TO JUVENILE CALLS

All units are expected to use good judgment and discretion when making decisions in reference to charges against juvenile offenders. The Youth Services Unit does not investigate juvenile delinquency cases. Patrol units will handle any misdemeanor delinquent incidents. Decisions should be made based on the nature of the offense, the age of the offender and the circumstances, the availability of community-based rehabilitation programs, and the request for diversion programs (POL – 779).

A. Patrol

1. When a juvenile is apprehended for misdemeanor assaults, the officer will consider all aspects of the investigation. A supervisor may call the Department of Juvenile Justice Court Counselor to determine if they wish to seek a secure custody order. The Officer will complete a Petition Complaint Worksheet and turn it into the Youth Services Office.
2. When a juvenile is apprehended for a misdemeanor crime, the officer will consider all aspects of the investigation, complete a report, and provide all relevant juvenile information. The juvenile should be released to a parent, guardian, custodian, or an appropriate adult with the approval of the parent and guardian. The Officer will complete a Petition Complaint Worksheet and turn it into the Youth Services Office.
3. When responding to misdemeanor child abuse [N.C.G.S. 14-318.2] or assault on a child [N.C.G.S. 14-33(c)(3)], the officer will take appropriate enforcement action.
4. When a juvenile is apprehended for a felony, the supervisor will contact the appropriate detective unit (i.e., Property Detectives for property crimes, CAPERS for crimes against persons).

B. Petition Complaint Worksheet Process

1. Complete and print out the report.
2. Print any supplements associated with OCA.
3. Complete the Petition Complaint Worksheet (POL – 778).
4. Turn into DA Liaison box in the Youth Service Office.
5. Department of Juvenile Justice will determine the outcome of the Petition Complaint Worksheet.
6. Within sixty days the Officer needs to report to the Department of Juvenile Justice to sign the Petition. They will be notified by the Department of Juvenile Justice, after the first thirty days.

The officer who charges a minor child with a criminal offense or any moving violation for which four points or more could be assessed or DWI **MUST** notify a parent or guardian. This notification can be made in writing or by telephone contact and should be documented. [N.C.G.S. 15A-505]

7.1.4 YOUTH SERVICES ANNUAL REPORTS AND REVIEWS

The Youth Service Unit Commander or his/her designee will be responsible for conducting and coordinating the following annual report and review:

1. An annual report and review of current policies and procedures dealing with the Juvenile Justice System to determine any changes necessary to improve the services available to juveniles will be conducted. Because of the close working relationship with Social Services Agencies in Cumberland County, the Youth Services Supervisor will contact all appropriate Social Services

Agencies during the annual review to solicit any ideas or suggestions they have that would improve the Department's Youth Services Unit. This review will be included within the Youth Services Annual Report. The annual review of all prevention programs relating to juveniles for the calendar year, with recommendations for continuing, modifying, or discontinuing the programs, will also be included in the annual report and review.

2. Provide a statistical summary of the unit activities for all Districts in the annual report at the end of each calendar year.

7.1.5 REFERENCES

N.C.G.S. 7B-1501	Definitions
N.C.G.S. 14-318.2	Child abuse a misdemeanor
N.C.G.S. 14-33(c)(3)	Misdemeanor assaults, batteries, and affrays, simple and aggravated; punishments
N.C.G.S. 15A-505	Notification of parent and school
OP 7.02	Juvenile Offender Guidelines
OP 7.03	Preventing and Controlling Juvenile Delinquency

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **7.2**
	Subject **JUVENILE OFFENDER GUIDELINES**	**Effective Date** 20 February 2026
	Revised 03-25-88, 02-29-00, 03-29-01, 07-29-13, 10-20-15, 09-06-18, 08-13-20, 08-27-20, 06-28-24	**Page** 1 of 3
	CALEA Standard 1.2.5, 1.2.6, 1.2.7, 44.2.1, 44.2.2, 44.2.3, 82.1.2	

7.2.0 OBJECTIVE

To establish guidelines for processing juvenile offenders in accordance with the Juvenile Justice Code.

7.2.1 JUVENILE REPORTS

The responding officer will initiate proceedings against a juvenile by completing an Incident Report, and completing a Juvenile Petition Complaint Worksheet, if needed. If the report is for a misdemeanor crime the responding officer will handle the investigation. If a juvenile is apprehended for a felony, the supervisor will contact the appropriate detective unit (i.e., Property Detectives for property crimes, CAPERS for crimes against persons).

7.2.2 CUSTODY ALTERNATIVES

Upon taking a juvenile into temporary custody for a delinquent or undisciplined act, a law enforcement officer should select the least restrictive course of action appropriate to the situation and needs of the juvenile. Officers have three alternatives:

1. Divert the juvenile from the Juvenile Court with appropriate counseling, release to parents, or refer to community resources.
2. Complete a Juvenile Petition Complaint Worksheet and release the juvenile.
3. Complete a Juvenile Petition Complaint Worksheet and request a Secure Custody Order.

7.2.3 APPREHENSION OF JUVENILES

In accordance with N.C.G.S. 7B-1900, juveniles may be taken into temporary custody by a law enforcement officer without a court order under the following circumstances:

1. If grounds exist for the arrest of an adult in identical circumstances under N.C.G.S. 15A-401 (b).
2. If there are reasonable grounds to believe that the juvenile is an undisciplined juvenile.
3. If there are reasonable grounds to believe that the juvenile is abused, neglected, or dependent and that the juvenile would be injured or could not be taken into custody if it were first necessary to obtain a court order (N.C.G.S. 7B-500).
4. If there are reasonable grounds to believe the juvenile is an absconder from any State training school or approved detention facility.

An officer shall never knowingly and intentionally issue a citation for any person 15 years of age or younger. An officer shall never knowingly and intentionally obtain an arrest warrant for any person 17 years of age or younger unless otherwise authorized by law, see N.C.G.S. 7B-1604(b).

7.2.4 NOTIFICATION

Officers will notify the juvenile's parents, guardian, or custodian when a juvenile has been taken into temporary 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 or non-secure custody.

7.2.5 JUVENILE PETITION COMPLAINT WORKSHEET

Officers will release a juvenile to the parents, guardian, or custodian if continued custody is not necessary. If the juvenile is not released, the officer will follow the listed procedures:

1. In the case of a juvenile alleged to be delinquent or undisciplined, the officer will provide resources to the family and complete a juvenile petition worksheet.
2. The Officer and/or supervisor will decide whether a juvenile petition worksheet should be filed out. The following factors should be considered before filing a petition:

a. The seriousness of the offense
b. Past involvement in delinquent acts
c. The presence of alcohol or drugs
d. Cooperation of family members
e. The offender's school attendance and performance
f. Admission or denial of committing the offense
g. Availability of a community-based rehabilitation program
h. The age of the juvenile, background investigation and recommendations for a diversion program
i. Attitude of juvenile toward the victim

3. Once the Juvenile Petition Complaint worksheet has been completed, it should be dropped in the DA's Liaison Box in Youth Service office. The intake counselor will consider prehearing diversion. If the decision is made to file a petition, the counselor will contact the judge for a determination of the need for continued custody.
4. The officer who takes a juvenile into custody will, after contacting a judge and/or court counselor and receiving an order for secure custody, transport the juvenile to a local juvenile detention facility.

7.2.6 CUSTODIAL INTERROGATIONS

A. As defined by N.C.G.S. 7B-101(14), a juvenile is any person who has not reached the age of 18, and is not married, emancipated or a member of the Armed Forces.

B. The parents will be notified that the juvenile has been taken into custody, and their presence may be required at the location of the incident.

1. Under normal circumstances, the juvenile may be transported to the Youth Services Section.
2. In certain circumstances, it may be beneficial to the juvenile and parent to conduct an interrogation at the location of arrest if the interrogation can remain private and disturbance free.
3. It may be necessary to transport the juvenile to his home prior to interrogation.

C. In accordance with N.C.G.S. 7B-2101 of the Juvenile Code, <u>all</u> juveniles who are in custody and are going to be interrogated will be advised of their constitutional rights under N.C.G.S.7B-2101 prior to any interrogation. If a juvenile is under the age of 18 and is charged as an adult, they will still be given their juvenile rights until his/her first appearance and/or being formally charged and jurisdiction transferred to Superior Court. If you have a juvenile in a custodial setting they are to be electronically recorded (audio only is fine). The recording should begin when the subject is placed into the room and end when they are removed from the room. If there is a break in the interrogation, the record must reflect that break.

D. An officer will advise the juvenile of the following rights prior to questioning:

1. That the juvenile has the right to remain silent.
2. That any statement the juvenile does make can be and may be used against the juvenile.
3. That the juvenile has a right to have a parent, guardian, or custodian present during questioning.
4. That the juvenile has the right to consult with an attorney and that one will be appointed for the juvenile if the juvenile is not represented and wants representation.

E. When the juvenile is less than 16 years of age, no in-custody admission or confession resulting from interrogation may be admitted into evidence unless the confession or admission was made in the presence of the juvenile's parent, guardian, custodian, or attorney.

F. Officers may obtain pertinent information concerning the juvenile's name, parent's names, and means of contacting parents prior to advising the juvenile of his/her rights but cannot ask questions about the incident being investigated.

G. Interrogation procedures will normally be limited to two officers, and the interrogation will only last as long as it is productive.

H. Interrogation will cease upon request from the juvenile, his/her parents, his/her attorney, or if a reasonable person would believe that the setting or circumstances have become coercive.

I. The interviewing officer will explain the Juvenile Justice System policies and procedures to the juvenile and his/her parents so that they will clearly understand the juvenile's involvement in the system.

7.2.7 NON-CUSTODIAL INTERVIEWS

If an officer does not have a reason to detain the juvenile, any field interview is deemed a consensual non-custodial contact and should be documented on a Field Contact Report.

When interacting with a juvenile in a consensual field interview, if at any time the juvenile wishes to leave, members shall not restrict their freedom of movement, prevent the juvenile from leaving, or compel the juvenile to answer any questions. If, during a consensual interaction/field interview, the juvenile asks if they are free to leave, the member must advise that the juvenile is not in custody and is free to leave. Upon concluding a consensual field interview, a Field Contact Report must be completed.

7.2.8 NON-TESTIMONIAL IDENTIFICATION ORDERS

Non-testimonial Identification Orders will be carried out in accordance with N.C.G.S.7B-2103 through 7B-2109.

7.2.9 REFERENCE

OP 7.1	Youth Services
OP 7.3	Preventing & Controlling Juvenile Delinquency
OP 7.4	Collections, Dissemination & Retention of Juvenile Records

N.C.G.S. 7B-101(14)	Definitions
N.C.G.S. 7B-500	Taking a juvenile into temporary custody; civil and criminal immunity
N.C.G.S. 7B-1604(b)	Limitations on juvenile court jurisdiction
N.C.G.S. 7B-1900	Taking a juvenile into temporary custody
N.C.G.S. 7B-2101	Interrogation procedures
N.C.G.S. 7B-2103	Authority to issue nontestimonial identification order where juvenile alleged to be delinquent
N.C.G.S. 15A-401(b)	Arrest by law-enforcement officer

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **7.3**
	Subject **PREVENTING AND CONTROLLING JUVENILE DELINQUENCY**	**Effective Date** 20 February 2026
	Revised 07-06-88, 01-10-00, 03-07-01, 02-25-02, 08-13-20, 06-28-24	**Page** 1 of 2
	CALEA Standard 1.1.3, 1.2.6, 1.2.7, 44.1.1	

7.3.0 OBJECTIVE

To establish guidelines for identifying, preventing, and controlling juvenile delinquency and referring juveniles to the Juvenile Justice System.

7.3.1 RESPONSE

A. Officers will actively patrol areas where juveniles are known to gather, and the probability of delinquent activity is high.

B. Counseling sessions will be conducted with parents and children, specifically children considered to be "at risk."

C. Police officers will receive continuous training on problems related to juveniles and how to enforce juvenile laws.

D. Continuous coordination will be maintained with other agencies in the communities involved in enforcing laws pertaining to juveniles.

E. Officers will participate in concentrated programs held within the schools on current laws pertaining to juveniles and causes of delinquency. Most students assigned to participate in the programs are selected from alternative learning classes.

F. Officers and Detectives will have the discretion to divert juveniles to alternative community-based programs and human resource agencies outside the juvenile justice system when the safety of the community is not threatened. These programs include, Find A Friend, Cumberland County Council on the Prevention of Substance Abuse, Cumberland County Mental Health Center, Cumberland County Department of Social Services, YMCA, Youth Villages, and the Juvenile Assessment Center (JAC). However, once a juvenile has been recommended to court or diverted from court, a concerted effort should be made to follow up on the outcome and well-being of the juvenile, and to determine if any further assistance is needed.

7.3.2 JUVENILE JUSTICE SYSTEM

The Juvenile Justice System is separate from the Adult Criminal Justice System. Working within it requires an understanding of and conformance with the objectives that the Juvenile Justice System seeks to achieve.

1. The juvenile operations and delinquency prevention effort of the Fayetteville Police Department is a department wide initiative. All officers, especially patrol officers, should be familiar with the problem of delinquency and handling juvenile problems, both criminal and non-criminal.

2. All officers will comply with the North Carolina Juvenile Code in the North Carolina General Statutes and other statutes as applicable.

3. Officers will conduct a proper and thorough investigation to determine facts and gather evidence of delinquent acts requiring referral to the Juvenile Justice System.

4. North Carolina General Statute 7B-1701 outlines all offenses that must be referred to the Juvenile Justice System: murder, first or second-degree rape, first or second-degree sexual offense, arson, or any violation of Article 5, Chapter 90 of the North Carolina General Statutes, which would constitute a felony if committed by an adult; first degree burglary, crime against nature, or any

felony which involves the willful infliction of a serious bodily injury upon another or which was committed by use of a deadly weapon.

5. North Carolina General Statute 7B-1706 further outlines instances that may require referral to the Juvenile Justice System.

6. Not all juveniles who commit delinquent acts are referred to the Juvenile Justice System. When it is in the best interest of the juvenile, he/she will be referred to community recreational programs. The agency supports, allows, and encourages employees to voluntarily participate in the programs.

7.3.3 REFERENCES

OP 7.01	Youth Services
OP 7.02	Juvenile Offender Guidelines
N.C.G.S. 7B-1701	Preliminary inquiry
N.C.G.S. 7B-1706	Diversion plans and referral
N.C.G.S. Chapter 90 Article 5	North Carolina Controlled Substances Act

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **7.4**
	Subject **COLLECTION, DISSEMINATION AND RETENTION OF JUVENILE RECORDS**	**Effective Date** 13 August 2020
	Revised 03-30-88, 03-3-92, 03-07-01, 02-25-02, 06-27-11	**Page** 1 of 1

7.4.0 OBJECTIVE

To establish guidelines for the collection, dissemination, and retention of Youth Services records pertaining to all cases in which juveniles are suspects or victims of criminal and status offenses.

7.4.1 ACCESS TO FILES

A. In accordance with G.S. 7B-3001 of the Juvenile Code, all files of every investigation involving a juvenile will be kept separate from adult records. Access to any law enforcement record concerning a juvenile will be limited to only those agencies working directly with the child, including the Office of the District Attorney, the Department of Juvenile Justice and Delinquency Prevention, the juvenile, his/her parents, guardian, and custodian. These files are not public record.

B. Access to juvenile information in the departmental computer system RMS is limited to the appropriate personnel by the user rights assigned by the Network Administrator.

7.4.2 YOUTH SERVICES FILES

A. The Youth Services Unit maintains a Juvenile Criminal History File on each juvenile which includes the following:

1. The juvenile's full name, address, and date of birth
2. Completed investigations
3. School referrals
4. Copies of detention orders
5. All petitions

B. These files are kept in alphabetical order and are purged quarterly to remove those who have reached their eighteenth birthday. Records of those eighteen or above are destroyed unless they are still under the jurisdiction of the juvenile court. These files are kept in a separate, secured file cabinet.

C. The Youth Services supervisor will maintain all juvenile files in a secure location and only Youth Services detectives will have access to these files without prior approval of the supervisor. Other persons within the department will contact the Youth Services supervisor for juvenile information they may need.

7.4.3 EXPUNCTION OF RECORDS

Upon receipt of a court order of Expunction of Record, the Youth Services Unit will destroy, in the approved manner, all records pertaining to the juvenile's arrest, complaints, referrals, petitions, and orders as provided in 7B-3200 of the Juvenile Code.

By Order Of: Gina V. Hawkins
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **7.5**
	Subject **JUNIOR PUBLIC SAFETY CADET PROGRAM**	**Effective Date** 2 June 2026
	Revised 03-25-14, 07-18-14, 07-05-23	**Page** 1 of 6
	CALEA Standard 45.3.1	

7.5.0 OBJECTIVE

It is the objective of the FPD to establish and maintain a Junior Police Cadet Post consistent with the mission statement of the Public Safety Cadets. "It is the mission of Public Safety Cadets to mentor young adults to serve their communities by providing knowledge, skills, and practical experiences through education and training delivered by public safety professionals that build character, physical fitness and respect for the rule of law".

7.5.1 PURPOSE

A. The Junior Cadet Program sponsored by the Fayetteville Police Department, provides opportunities for youth and young adults to experience the profession of law enforcement, providing real life experience through training and observation, and developing critical skills necessary for success with future career goals. Junior Cadets are not sworn officers but may be assigned to law enforcement community service functions and participate in the following learn and work opportunities:

1. Leadership Development
2. Character Development
3. Social & Professional Networking
4. Community Service

B. The goal of the Junior Cadets is to strengthen character and teach youth and young adults the values needed to succeed in a law enforcement career or other career choice through:

1. Self-Discipline
2. Self-Confidence
3. Self-respect
4. Teamwork and desire to help others

C. Junior Cadets will also assist in tasks that are requested by the Chief of Police or his/her designee that do not require law enforcement authority.

7.5.2 POST ADMINISTRATION AND ADVISOR RESPONSIBILITIES

A. The Community Resource Lieutenant is responsible for coordinating the identification of the Junior Cadet Post Committee Administration members.

B. The Post Advisor(s) are charged with maintaining the Junior Cadet Post. Duties included but are not limited to:

1. Maintenance of forms
2. Applicant testing and selection
3. Coordinate Junior Cadet training and meetings
4. Serve as chaperones to Junior Cadets during field trips and on assignments
5. Ensuring that policies and procedures are properly followed

7.5.3 APPLICATION PROCESS

A. Applications for vacancies will be announced and made available during open recruitment. Post size will be maintained at a manageable level of 10 to 20 Junior Cadets.

B. In addition to meeting program eligibility requirements, Junior Cadets and with permission of parents/ guardians, must submit a completed application packet within 30 days of an open recruitment event.

C. Applicants who meet the minimum requirements will be invited to participate in an oral interview board. Upon successful completion of the interview process, a background check will be completed. If selected, the Junior Cadet will be placed on probation for 90 days. Applicants will not be discriminated against based upon gender, race, ethnicity, religious background, sexual preference, or disability.

D. Junior Public Safety Cadet Program Eligibility Requirement:

1. Must have completed the eighth grade and/or be between the ages of 14-20 to participate in the program.
2. Entry level Cadets must be between the ages of 14-17.
3. Parent or Legal Guardian must execute "Public Safety Cadets-Agreement and Legal Waiver Form" if the Junior Cadet is under the age of 18.
4. No prior convictions for a criminal offense and/or serious traffic offense.
5. Must show good citizenship in school and have no suspensions, expulsions, or major behavioral issues within the last two years.
6. Must have and maintain a minimum of a "C" average in high school or college to remain in the program. If the candidate graduated from high school, they must be enrolled in and taking college classes.
7. Provide an unedited quarterly progress report to an advisor upon receipt from the school.
8. Must complete a basic training course to include Youth Protection, Personal Safety Awareness training, and a probationary period.
9. Must undergo a thorough background review to assess character and integrity.
10. Must maintain a satisfactory level of physical fitness.
11. Junior Cadets must attend a minimum of 4 events each year with the Fayetteville Police Department. These events include festivals, parades, or any other special events where the presence of the Junior Cadets will be beneficial to the experience of the Junior Cadet and substantial assistance to the Fayetteville Police Department. Advisors will document the attendance of each cadet present at special events to be used for further evaluation/promotional opportunities.

7.5.4 RETENTION STANDARDS

A. Junior Cadets will remain on probationary status for 90 days. After the conclusion of the 90-day probationary status period, each Junior Cadet and their parents will go before a review board to determine whether or not the Junior Cadet has met the eligibility requirements set forth in OP 7.5.3 (D)(1-11). The review board requirements are further explained in OP 7.5.4 (B)(3).

B. Junior Cadets who fail to follow the eligibility requirements could face dismissal from the program or an issuance of a demerit.

Demerit Program-Demerits may be issued by the Junior Cadet Captain or an advisor. A record of demerits will be kept by the Junior Cadet's Sergeant and/or Captain. Demerits will be purged after 6 months. Demerits may be issued to a Junior Cadet for the following offenses:

a) Unacceptable appearance
b) Failure to follow directions / orders
c) Tardiness
d) Failure to report

e) Dereliction of duty
f) Unbecoming conduct

1. **Good Standing / Poor Standing Status** – Any Junior Cadet with one or no demerits in a six-month period will be considered to be in "Good Standing." Any Junior Cadet who receives two or more demerits in a six-month period will be considered to be in "Poor Standing." Any Junior Cadet who receives three or more demerits in a six-month period may be brought before a review panel to evaluate if the Junior Cadet will be retained or dismissed. A Junior Cadet who receives four or more demerits in a six-month period will automatically be dismissed from the program, with the approval of the Community Resource Lieutenant.

2. **Review Panel -** A panel consisting of at least three Post Advisors who will serve as the Junior Cadet Applicant Interview Panel and convene to consider matters related to a Junior Cadet and their continued involvement in the program. The panel will also provide over sight as to promotional opportunities and demotions. The panel will meet quarterly to discuss program activities and program productivity.

3. **Egregious Offenses** – If Junior Cadets are found to be in violation of an egregious offense, they will be removed from the program immediately following approval of the Community Resource Lieutenant. Examples of Egregious Offenses include but are not limited to:

   a) Charged with a crime or serious traffic offense
   b) Fails to follow an order resulting in the injury of another person
   c) Possessing a weapon to a meeting/event
   d) Breach of confidentiality
   e) Untruthfulness
   f) False representation as a Sworn Police Officer
   g) School suspension

7.5.5 RESTRICTIONS

A. Junior Cadets are prohibited from directly or indirectly engaging in covert operations (i.e., serving in an undercover capacity) and should not be used as confidential informants or sources of information.

B. Junior Cadets (whether or not in uniform) are not permitted to drive marked police vehicles or other motorized police conveyances. The exception to this policy is when Junior Cadets are participating in an authorized training program or competition under the direct supervision of a law enforcement officer.

C. Junior Cadet involvement in law enforcement related activities must be approved by the Chief of Police or his/her designee. Prior to performing any law enforcement related activity a Junior Cadet must have completed training related to the assigned activity.

D. Junior Cadets are not permitted to participate in interviews or interrogations, the handling or processing of evidence, or the intake or transfer of persons taken into custody. Junior Cadets should not be placed in situations where they may be called as a witness in a criminal or civil proceeding.

7.5.6 UNIFORM

A. Junior Cadets will be issued a Junior Cadet uniform upon successful completion of the probationary period. The Junior Cadet uniform clearly distinguishes Junior Cadets from sworn officers. At no time should a Junior Cadet possess or display any symbol, patch, or clothing article that reads "Fayetteville Police" or could lead a member of the community to believe they are a sworn officer. Junior Cadet's will not wear or display Junior Cadet uniform articles outside of meetings or events unless authorized to do so by an advisor. Uniform issuance will consist of:

1. 2 t-shirts – (academy uniform)
2. 1 pair of tactical pants (academy uniform)

3. 1 short sleeve uniform shirt
4. 1 long sleeve uniform shirt
5. 1 clip on tie
6. 1 pair of pants
7. 1 jacket

B. Junior Cadets will:

1. Wear black shoes or boots (purchased at the Junior Cadet's expense)
2. Display awards and any pins issued or earned by the Department on their uniform
3. Display rank insignia on the uniform shirt lapels
4. Carry ink pens in the left breast pocket
5. Wear the nameplate above the right chest pocket

7.5.7 EQUIPMENT

A. Junior Cadets may be issued a duty belt and equipment for events or training events. Equipment issued to the Junior Cadet must be returned to the advisor upon request.

B. Junior Cadets are **prohibited** from carrying Firearms, Tasers, OC spray, ASP Baton, Knives, or any other type of weapon.

7.5.8 RANK STRUCTURE

1. **Probationary Junior Cadet:** A probationary Junior Cadet is any Junior Cadet who has not been a Junior Cadet for 90 days and who has not completed the basic training requirements.
2. **Junior Cadet:** A Junior Cadet who has been a probationary Junior Cadet for at least 90 days, completed the basic training requirements and has gone before the review board to determine if the Junior Cadet can meet the minimum requirements to continue in the program.
3. **Junior Cadet Specialist:** A Junior Cadet Specialist is the first rank to be reached as a Junior Public Safety Cadet. The duty of the Junior Cadet Specialist is to assist Junior Cadets and probationary Junior Cadets.
4. **Junior Cadet Sergeant:** A Junior Cadet Sergeant is the second rank to be reached as a Junior Public Safety Cadet. The duty of the Junior Cadet Sergeant is to facilitate the success of the Junior Cadet Specialist and Junior Cadets under his/her command.
5. **Junior Cadet Lieutenant:** A Junior Cadet Lieutenant is the third rank to be reached as a Junior Public Safety Cadet. The duty of the Junior Cadet Lieutenant is to assume the role of Captain when the Captain is absent. The Junior Cadet Lieutenant serves as the Post secretary by creating and maintaining a phone tree and e-mail tree for the post.
6. **Junior Cadet Captain:** A Junior Cadet Captain is the fourth and final rank to be reached as a Junior Public Safety Cadet. The duty of the Junior Cadet Captain is to run the post. The Junior Cadet Captain reports to the Advisors and is directly responsible for the planning of events, training, and outings.

7.5.9 PROMOTIONS / DEMOTIONS

A. Junior Cadets who are in good standing are eligible for promotion. When a rank vacancy occurs, the Junior Cadet Captain of the post (or advisor if the rank of Captain is the promotable position in question) will announce the promotion opportunity. Junior Cadets interested in promotion must submit a 100 to 150-word essay outlining why they believe they should be promoted. They will then come before a review board consisting of the Junior Cadet Captain (or former Junior Cadet Captain), at least one advisor, and the next level of command for that Junior Cadet. The board will make a decision on who gets promoted.

B. A Junior Cadet Specialist and Junior Cadet Sergeant is considered to be in poor standing if one demerit is received. A second demerit will result in a demotion of the Junior Cadet. The positions of Junior Cadet

Lieutenant and Junior Cadet Captain are not eligible to participate in the demerit program, as a result, if a Junior Cadet Lieutenant or Junior Cadet Captain commits an offense that may be grounds for a demerit, the situation surrounding the incident will be investigated by the Advisors and the Junior Cadet Lieutenant or Junior Cadet Captain may be demoted to a lower ranking position.

7.5.10 AWARDS

Junior Cadets may receive awards as a result of their performance as a Junior Cadet. Awards are to be worn above the left breast pocket. The Junior Cadet Captain will keep a log of hours and eligibility for awards. Junior Cadets will be honored at an annual Junior Cadet award ceremony.

7.5.11 TRAINING, PRACTICAL EXCERCISES & SIMULATED SCENARIOS

All training, practical exercises, and simulated scenarios will be presented in a manner that reinforces the rule of law, principals of democracy and a respect for cultural, religious, ethnic and lifestyle diversity. Junior Cadets will not have access to firearms or any other item that could be used as a weapon, without the written authorization of the Chief of Police.

7.5.12 RIDE ALONG PROGRAM

A. In accordance with the Fayetteville Police Department WD 6.01 (Ride-Along Program), a Junior Cadet over the age of 18 may participate in the ride-along program. Probationary Junior Cadets are not permitted to participate in the ride- along program. Junior Cadets who are in good standing are eligible to participate in the program.

B. The ride-along program will not be offered unless the program has been approved through the Fayetteville Police Department's Internal Affairs Unit. Junior Cadets will be required to wear a protective vest while accompanying a law enforcement officer during a ride along. Junior Cadets will ride with an officer of the same sex. Junior Cadets will wear their issued T-Shirt and khaki pants in lieu of their uniform. All approved Ride-A-Longs will be in accordance with FPD W.D. 6.01 Ride-A-Long Program.

C. An eligible Junior Cadet may take part in a ride-along program once every 3 months.

7.5.13 LIABILITY INSURANCE

The "Public Safety Cadets" organization provides primary liability insurance to the sponsoring agency of Public Safety Cadet Posts. Coverage for this insurance is contingent upon adherence to "Public Safety Cadet" policies and procedures, to include certification of Ride Along program if offered to Cadets by the sponsoring agency.

7.5.14 INCIDENT REPORTING

A. An incident is defined as any situation where a Junior Cadet or adult involved in a Junior Public Safety Cadet related activity, are injured and/or significant property damage has occurred as a result of the activity. Any incident involving a Junior Public Safety Cadet that results in injuries while conducting training will be immediately reported to the Community Resource Lieutenant, and the Chief of police without unnecessary delay.

B. All incidents should be reported by the sponsoring agency, via email, to the "Public Safety Cadets" representative as soon as possible. Any incident requiring to be reported to the "Public Safety Cadets" can be reported to the "Public Safety Cadets" by sending an email to info@publicsafetycadets.org. The "Public Safety Cadets" organization will then reach out to the sponsoring agency to complete the appropriate paperwork and to assist with filing an insurance claim if needed.

7.5.15 REFERENCES

WD 6.1	Ride Along Program
https://publicsafetycadets.org/	Public Safety Cadet website

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

8.1.0 OBJECTIVE

To establish procedures for the privacy and security of records and computer system operations in the Central Records Unit (CRU).

8.1.1 WORKING AREA SECURITY

Access to the working area of the Central Records Unit is limited to:

1. Central Records Unit Clerks
2. Teleserve Clerks
3. Sergeants and above

Warrants and DCI are each enclosed in an office within the Central Records Unit. Access is limited to the CRU clerks.

8.1.2 COMPUTER SECURITY SYSTEMS AUDIT

An annual audit of passwords, access codes and access violations will be performed to maintain the integrity of the system and security of records contained in the system.

8.1.3 ACCESS TO RECORDS

The Written Directive entitled Law Enforcement Communications Systems details computer security procedures that are in place to limit access and control to criminal reports and files to appropriate individuals within the department.

8.1.4 DISSEMINATION PROCEDURES

A. Law Enforcement

Law enforcement personnel will report to the appropriate service counter when requesting information from the CRU, or Warrant and DCI section.

Law enforcement personnel are provided complete file information on incidents occurring within the jurisdiction of the Fayetteville Police Department.

DCI checks and criminal histories through DCI and NCIC are available to law enforcement officers/detectives upon request. Law enforcement officers/detectives requesting criminal history information are provided complete file information as provided by DCI and NCIC files. Law enforcement personnel must provide a case number for the criminal history log.

B. Public

Citizens requesting copies of reports should report to the customer service counter.

Citizens requesting copies of crime incident reports and traffic collision reports should provide as much information as possible to expedite retrieval of the requested report.

The privacy and security of criminal history record information within the CRU is in accordance with US Department of Justice Information, 28 Code of Federal Regulation, Part 20 with regard to dissemination, completeness and accuracy, audits, security requirements, and access and review.

8.1.5 CENTRAL RECORDS OPERATIONS

A. Clerks assigned to the CRU are responsible for the processing, accessing, privacy, and security of all reports submitted to the CRU.

B. Clerks assigned to the Central Records Unit are trained in the entry, retrieval, and dissemination of police records. All clerks will be instructed and certified by the State of North Carolina to operate the DCI and NCIC systems.

C. The Central Records Unit is an operational component within the department. The CRU is open and staffed 24 hours a day to assist law enforcement and the public.

By Order Of: Tom McCarthy
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **8.2**
	Subject **TELESERVE OPERATIONS**	**Effective Date** 15 February 2024
	Revised 10-12-01, 02-25-02, 07-07-11, 2-17-14, 05-12-15, 05-05-23	**Page** 1 of 4
	CALEA Standard 81.2.6, 81.2.10, 82.2.1, 82.2.2, 82.2.5	

8.2.0 OBJECTIVE

To establish guidelines for Teleserve Operations assigned to the Central Records Unit.

8.2.1 TELESERVE OPERATIONS

A. Teleserve is an alternative method of handling calls for service by using telephone reporting rather than dispatching a patrol unit. Teleserve reduces the amount of time officers spend answering service calls that are primarily of a report taking/information gathering nature. Teleserve allows patrol time to be more productive without reducing the quality of police service expected by the citizens.

B. Teleserve Clerks will be utilized in the following areas:

1. Crime reports as directed by the on-duty Lieutenant or Patrol Sergeant.
2. Citizen requests for information and/or advice.
3. Providing information to officers.
4. Reporting problems that need police attention at a later time, i.e. speeding complaints during specified time period, etc.

C. A call for service may be handled by Teleserve if it is determined that:

1. Suspect(s) identity is not known.
2. Suspect(s) are not on the scene or in the area.
3. Physical evidence does not appear to be present. If physical evidence is present, an officer must be dispatched.
4. The complainant does not insist on seeing an officer.

D. Under most circumstances, Teleserve will not take the following calls:

1. Reports involving sexual assaults.
2. Reports involving domestic violence.
3. Reports involving firearms (exceptions to this are stolen firearms).

*If there is a disagreement about a report to be taken by Teleserve, the Major of the Service Bureau will make the decision.

8.2.2 CALLS FOR SERVICE/INFORMATION

A. In-coming calls received by Teleserve Clerks will be answered promptly and courteously. The calls are monitored using Call Center Technology. The technology allows the clerks and their supervisors to administer the following procedures and produce reports that assist in providing quality customer service.

1. The clerk will identify himself/herself by name to the caller.
2. Phones will be answered within three rings, when possible.
3. If there is more than one incoming call, the first call will be answered and the caller will be asked to hold. The second incoming call will then be answered and the second caller will be given time to briefly state their purpose. The second caller will then be placed on hold and the first call will be handled.
4. Teleserve Clerks will, as rapidly as possible, determine the nature of the call and the service being requested by asking a series of questions intended to obtain pertinent information from the caller.
5. Teleserve Clerks will take a report when necessary and take the appropriate course of action

this may include but not limited to:

a. Take an initial Crime Incident Report or Supplemental report
b. Forwarding the caller to The Communication Center if an officer is required
c. Refer the caller to the appropriate agency if the assistance needed is outside the prevue of the Police Department
d. Contact a CRU Supervisor, Patrol Supervisor or on-duty Lieutenant for additional guidance.

6. Under no circumstances, will a Teleserve Clerk place their phone status in "forward calls" without prior permission from a supervisor. All clerks must remain in available status while in Teleserve unless on break, lunch or given permission by a Supervisor. Phone volumes must be adjusted to allow the clerk and the Supervisor to hear the phone ringing. At no time will a Teleserve phone be on silent or have the volume adjusted so low that the ringing of the phone cannot be heard. Violations of these policies can and will result in disciplinary action.

B. The Communication Center should refer calls to the Teleserve Clerks or online reporting through the use of the Department's website **https://www.fayettevillenc.gov/city-services/police/crime-data-police-reports/police-reports**, if it is determined that a report is all that is needed and the caller is not insistent on seeing a Police Officer. The Teleserve Clerk will process the call and make written reports as necessary or give appropriate information.

C. After obtaining pertinent information from the caller, if the caller still insists on seeing an officer or if it is determined that an officer is needed, the Teleserve Clerk will immediately transfer the caller to the Communications Center for an officer to be dispatched and if necessary, the on-duty Lieutenant or Patrol Sergeant.

D. Inquiries may be handled in the following manner:

1. Provide information or assistance, if the Teleserve Clerk is able to do so.
2. Refer the caller to the appropriate Bureau, Division or Unit within the department.
3. Refer the caller to another City Department or agency that has responsibility for the area of concern when the call is not a police matter.

8.2.3 WALK-IN CITIZENS

A. Teleserve personnel will handle walk-in citizens in the following manner:

1. Screen walk-in citizens to determine which cases will be handled by Teleserve and which cases will be referred to other divisions or sections in the department.
2. Record information and complete the appropriate report forms.
3. Respond to questions or inquiries from any citizen who requests information.
4. Walk-in citizens who wish to file a report will take priority over those customers who call in a report. If a Teleserve Clerk is unable to answer the customer who calls in a report, he/she will take the citizen's name and number and call back.
5. Before filing a report, walk-in citizens wishing to make a report will be run in E-Warrants and DCI to determine if the person has any outstanding legal processes.

B. Teleserve personnel will notify the on-duty Lieutenant or Patrol Sergeant or his designee if any of the following situations arise:

1. A citizen refuses to discuss their complaint with a Teleserve Clerk or CRU Supervisor.
2. A citizen wishes to file a complaint against an officer, during non-working hours of the Internal Affairs Unit (IAU).
3. A situation exists where an immediate decision must be made and Teleserve Clerks are not in the position to make that decision.

8.2.4 TELESERVE REPORTS

A. The following felony reports can be taken by Teleserve Clerks.

1. Larceny of Motor Vehicles
2. Larceny of Prescription Medication
3. Felony assaults that occurred more than 48 hours prior to being reported
4. Misdemeanor assaults, non-domestic related. All domestic assaults will require an officer to take the report.
5. Burglaries:
   a. Reported more than 12 hours after being discovered, unless an officer is requested
   b. Where nothing was taken and point of entry is unknown

B. The following categories of criminal offenses can be taken by Teleserve Clerks via telephone or in person:

1. Thefts of property including: (An officer should be dispatched if there is a suspect or potential evidence.
   a. Misdemeanor larcenies of trash cans, flower pots, bicycles, gasoline, etc. and the suspects are not in the area
   b. Larcenies of motor vehicle parts
   c. Shoplifting (suspects not in area)
   d. Unauthorized use of motor vehicles
   e. Property theft and there is no known suspect or potential evidence
   f. Other thefts authorized by the on-duty Lieutenant
2. Anonymous, harassing, and threating phone calls.
3. Break-ins of storage sheds, garages, or other similar out building used for storage only and not connected to a dwelling or business structure. If there is a suspect or potential evidence; an officer will be dispatched.
4. Burglaries:
   a. Reported more than 12 hours after discovery, or
   b. Where nothing was taken
5. Fraud related cases (including unauthorized use of motor vehicles)
6. Threats
7. Tampering with vehicle (suspect not in the area)
8. Vandalism
9. Misdemeanor assaults
10. Larceny from motor vehicle.
11. Other thefts authorized by the on-duty Lieutenants, Patrol Supervisor, or CRU Supervisors.
12. Supplements for reports already on file.

C. Citizens can report the following incidents, if the suspect is unknown, online at:

https://www.fayettevillenc.gov/city-services/police/crime-data-police-reports/police-reports

1. Damage to property /Vandalism.
2. Stolen Property
3. Harassing Phone Calls
4. Fraud
5. Larceny
6. Lost Property

D. The following reports will be reported as a CAD report only:

1. Lost property with the exception of guns, license plates, and wallets or purses that contain Identification cards, social security card and/or credit cards.
2. Damage to motor vehicles due to unintentional circumstances (for insurance only claims).

3. Civil documentation for when a citizen wants to only document an incident for legal purposes.
4. Lost written prescriptions

8.2.5 GENERAL DUTIES

A. Teleserve personnel will be required to enter the following reports as needed:

1. CIRs
2. Supplementals
3. Citations
4. Arrest Reports
5. FI Cards
6. Tow Sheets
7. Residential Checks
8. City Ordinances
9. Warning Citations
10. Traffic Stop Reports
11. Others as required

B. Emergency Telephone messages will be taken by Teleserve personnel, whenever possible, and will be forwarded to the on-duty Lieutenant or Patrol Sergeant in a timely manner.

C. Teleserve personnel will not release the names, addresses, and phone numbers of departmental personnel out to unauthorized persons.

D. Personal radios will be kept at a low volume.

E. Maintenance of the Teleserve office will be the responsibility of all assigned personnel. The office area will remain clean and neat at all times with all paperwork cleared off of the counter and put away prior to end of each clerk's tour of duty.

8.2.6 VEHICLE REPOSSESSION

When Teleserve personnel receive courtesy calls from wreckers services regarding vehicle repossessions:

1. The clerk will enter the repossession into CAD with nature code REPO and include the following information:

    a. vehicle make, model, color
    b. location where vehicle was repossessed from
    c. VIN (last 6 is acceptable)
    d. license plate number
    e. registered owner
    f. finance company
    g. tow company
    h. storage location
    i. time the repo company called in the repossession

2. When a call is received by the owner in reference to the vehicle, they will be instructed to contact their finance company in regards to their vehicle. No information in reference to the vehicle and its location will be disclosed.

By Order Of: Kemberle Braden, Chief of Police
Digitally Signed

8.3.0 OBJECTIVE

To establish procedures for the Central Records Unit (CRU) governing the retention, transfer, and expunction of records generated by agency operational components of the Fayetteville Police Department (FPD).

8.3.1 INCOMING DOCUMENTATION

A. The Central Records Unit personnel will follow the listed procedures when processing incoming reports/documents:

1. Scan on the Document Archive System – Scanner.
2. Make copies for appropriate dissemination throughout the department.
3. Enter the report information into RMS – the Public Safety Computer System.
4. Maintain the original documents until the Retention Period has expired or has reached its Administrative Value.

B. Listed below are documents that are not scanned:

1. F.I. cards – entered into RMS and sent to Investigative Bureau.
2. Warning Tickets – not scanned, entered into RMS and Shredded.
3. Citations – entered into RMS, logged in the citation log book, and sent to the Clerk of Court.

8.3.2 NETWORK ENGINEER RESPONSIBILITIES

The Document Archive System is backed up to a data tape. The Public Safety Network Systems information is backed up every night on a data tape. The data tapes are stored off-site in a locked fire proof cabinet or safe, in a locked, controlled access room.

8.3.3 INVESTIGATIVE REPORTS

A. Detectives assigned to the Detective Division retain investigative reports until such time that the cases are closed and/or inactivated.

B. Closed and/or inactivated reports are forwarded to the Central Records Unit. All staples, duplicate copies, unrelated materials must be cleared from folders prior to submission. Documents are scanned into the system with the original report and then destroyed.

8.3.4 TYPES OF RECORDS RETAINED IN RMS DOCUMENT ARCHIVE SYSTEM

A. The record archives contain only the following types of records:

1. Felony Investigative Reports
2. Misdemeanor Investigative Reports
3. Traffic Collision Reports
4. Arrest Sheets

B. The document archive system is not designed to store any sensitive material pertaining to the following type of records:

1. Informant Files
2. Intelligence Files
3. Personnel/Training Files
4. Internal Files
5. Legal Files

8.3.5 RECORDS RETENTION

A. The Central Records Unit retains records in accordance with the Municipal Records Retention and Disposition Schedule prepared by the North Carolina Division of Archives and adopted by the Fayetteville City Council.

B. Schedules:

1. Accident Files - Until case settled and 3 years thereafter.
2. Arrest Records - 5 years.
3. Complaint files - 5 years.
4. Criminal history / case files: Felonies - 20 years; Misdemeanors - 5 years; Investigations, non-criminal - 5 years.

C. Felony investigative reports prepared prior to 1998 are maintained on microfilm. Reports prepared from 1998 to present are stored electronically in the Document Archive System.

8.3.6 EXPUNCTION OF RECORDS

A. The Central Records Unit is responsible for executing the laws required by the State of North Carolina under NCGS 15A-145, NCGS 15A-146, NCGS 90-96 and policies required by the State Bureau of Investigation (SBI) regarding the expunction of records.

B. Expunction orders are submitted to CRU by the Clerk of Court. When an expunction ordered is received by the CRU, the Supervisor or Database Manager will ensure all information pertaining to that arrest is deleted from the departmental systems and an SBI Disposition Form is completed and mailed to the SBI.

8.3.7 EXPUNCTION OF RECORDS

When no longer usable, DVDs, CDs, diskettes, hard drives, tape cartridges, ribbons, hard copies, print-outs and other similar items used to process CJIS data will be disposed of by shredding (which must occur before destruction), incineration or degaussing, whichever method is available, appropriate and cost effective. Any media deemed reusable will be re-used by the agency or sanitized, clearing all information from the media.

By Order Of: Harold E. Medlock
Digitally Signed

8.4.0 OBJECTIVE

To establish guidelines for receiving, recording, processing, and serving legal processes.

8.4.1 DEFINITIONS OF LEGAL PROCESS

The following is a list and definition of the legal processes to be served and processed by the Fayetteville Police Department.

Warrant for Arrest: NCGS 15A-304(a) - Consists of a statement of the crime of which the person to be arrested is accused, and an order directing that the person so accused be arrested and held to answer the charges made against him/her. It is based upon a showing of probable cause supported by oath or affirmation.

Order for Arrest: NCGS 15A-305 - An order issued by a Justice, Judge, Clerk, or Magistrate that a law enforcement officer can take a named person into custody.

Criminal Summons: NCGS 15A-303 - Consists of a statement of the crime or infraction of which the person to be summoned is accused, and an order directing that the person so accused to appear and answer the charges made against him/her. It is based upon a showing of probable cause by oath or affirmation.

Juvenile Summons: NCGS 7B-1805 - A legal process filed by the Clerk of Court and issued to the juvenile and the parent, custodian, or guardian requiring them to appear for a hearing at the time and place stated in the summons. A copy of the petition shall be attached to each summons.

Juvenile Secure Custody Orders: NCGS 7B-1902-1904 – An order issued by any District Court Judge directing a law enforcement officer or other authorized person to assume custody of a juvenile pursuant to criteria set out in NCGS 7B-1903.

Show Cause Orders: NCGS 15A-1362(c) and 15A-1364(a) - When an individual is ordered to comply with a Judgment imposed upon him/her by the court, and he/she fails to do so, a Show Cause Order is issued directing him/her to appear or respond and show cause why he/she should not be imprisoned.

Subpoena: NCGS 1A-1, Rule 45 of the Rules of Civil Procedure - An order to a witness or other evidence bearing person to appear in court at a certain time and place to present evidence or testimony.

Mental Commitment: NCGS 122C-261 - A custody order issued by a District Judge, Magistrate or the Clerk of Court upon testimony of an affiant, that orders a subject to be taken to a qualified physician or eligible psychologist for examination.

8.4.2 RECEIVING LEGAL PROCESS

A. Source of Document - The Clerk of Court's Office and Magistrate's Office issues legal processes. The department receives these documents on a daily basis.

B. Officers Assigned to Serve - All papers are available to all officers of the department for service on a 24-hour basis. The processes are not assigned to an individual officer.

C. Date of Assignment - The effective date of assignment for paper processes received from the Clerk of Court's Office, Magistrate's Office or other agency is the date received by the Fayetteville Police

Department, which is a stamped date. Legal processes entered into EWarrants are accepted by the warrant control clerk or DCI clerk and reflect the date and time accepted.

8.4.3 RECORDING OF LEGAL PROCESS

A. Once a legal process is received from another Agency who is not on EWarrants and the defendant lives in the City limits, the legal process will be entered into the department computer system by the CRU clerk. Legal processes obtained by our Department will be entered directly into EWarrants by the initiating officer/detective. Legal Processes entered into EWarrants by our officer/detective are as follows:

1. Warrant for Arrest (WFA)
2. Order for Arrest (OA)
3. Magistrate Order based on general citation.
4. Criminal Summons.

B. The following information will be recorded:

1. Date of Issue, is the date the process is issued by the courts.
2. Type of Process
   - (a.) Warrant for Arrest (WFA); if it is from another agency that is not on EWarrants and the defendant lives in the City limits.
   - (b.) Order for Arrest (OA); if it is from another agency that is not on EWarrants and the defendant lives in the City limits.
   - (c.) Criminal Summons (CS)
   - (d.) Show Cause Order (SHO)
   - (e.) Juvenile Summons (JS)
   - (f.) Subpoena (SU)
   - (g.) Juvenile Secure Custody Orders (SC)
   - (h.) Mental Commitment.
   - (i.) Adult Hearing (AH)
   - (j.) True Bill of Indictment (Bill)
   - (k.) Absent without Leave (AWOL)
   - (l.) Juvenile Hearing (JV)
3. Name, DOB, Race, Sex, and Address of the Defendant.
4. Court Docket Number, Phone Number, Court Room, and Court Time, information given on the legal processes also includes descriptive information.
5. Incident Number.
6. Charge.
7. Dates Service due (Court Date):
   - (a.) Warrants and Orders for Arrest must be served within 180 days after issuance or they are subject to be returned to the Clerk of Court.
   - (b.) Original warrants and Orders for Arrest issued by officers of the Fayetteville Police Department **may** remain on file within the agency until they are served. This is in accordance with an agreement between the Department and the Clerk of Superior Court.
   - (c.) Criminal Summons must be served within 90 days after issuance, or they must be returned to the Clerk of Court.
     - 1.) Criminal Summonses with expired court dates within the 90-day period may have a new court date set by the clerk of the court or magistrate by calling the courts.
     - 2.) Criminal Summonses are the only legal processes for which new court dates can be set.
     - 3.) New court dates cannot be set for Juvenile Summonses, Juvenile Show Cause Orders, Adult Hearings and Show Cause Orders. These processes

must be returned to Clerk of Court upon service or expiration of the court date.

(d.) Subpoenas and Juvenile Summons must be served by the court date or returned to Clerk of Court.

(e.) Mental Commitments must be served within 24 hours after issuance or returned to the issuing Magistrate.

8. If all necessary information is on the warrant, it will be entered into DCI in accordance with current guidelines. This allows officers to run DCI checks as well as local checks (P2P and EWarrants). Officers in other jurisdictions will also have access to the information.

8.4.4 SERVICE OF LEGAL PROCESS

A. Once the processes are received from the Clerk of Superior Court or a Magistrate and recorded, it is the responsibility of the Department to serve these papers within the jurisdictional limits of the Department in accordance with NCGS 15A-301.

B. When an officer receives a hit on a wanted person from 911 Dispatch or through the MDT, in the case of Secure Custody Orders, and if through RMS the officer must request confirmation from the Warrant Control Clerk (or the CRU DCI Operator anytime) to ensure that the legal process is on hand before confirmation is given to the officer.

C. Within our Jurisdiction (Unserved)

Officers must verify in EWarrants then DCI. If verified, officers can print and serve the legal process. If entered in DCI, the officer must contact the DCI Operator or Warrant Control Clerk for removal from NCIC/DCI.

D. Outside our Jurisdiction (Unserved)

Officers must verify in EWarrants then DCI. If the legal process is in DCI, an officer must request a hit confirmation to the entering agency through 911. 911 Dispatch will forward a hit confirmation request and response to the main DCI terminal. The DCI Operator will send a locate to the entering agency.

E. Outside our Jurisdiction (Paper)

When you check EWarrants and click on a process, (WFA, OFA or Criminal Summons) and the process does not come up (Shows Contact Entering Agency), then you must contact the Clerk of the Court to determine if the process is valid. You cannot serve a process unless the Clerk of the Court uploads a copy of the process to EWarrants.

F. Not Verified

When a Criminal Summons process is served or returned, the Magistrate, officer or Records Clerk will remove it from an active file. The following information will be recorded upon service or return:

1. Date served.
2. Name and fake last four digits of SSN of serving officer.
3. A reason for return will be entered in the computer.

G. Service shall be accomplished in the following manner:

1. Warrant for Arrest: Officers will take into custody the subject named in the warrant in accordance with NCGS 15A-401 on arrests and present him before a judicial official without undue delay.
2. Order for Arrest: Officers will take the subject into custody in accordance with NCGS 15A-401 and present him before a judicial official without undue delay.

3. Criminal Summons: Officers will personally read and serve a copy of the criminal summons to the person named on the summons with a valid court date.
4. Juvenile Summons: Officers and/or Central Records Clerks will personally read and serve a copy of the summons and petition upon the parent, guardian, or custodian and the juvenile not less than five days prior to the date of the scheduled hearing. The time for service may be waived at the discretion of the court. If the parent, guardian, or custodian entitled to receive a summons cannot be found by a diligent effort, the court may authorize service of the summons and petition by mail or by publication in accordance with NCGS 7B-1806.
5. Juvenile Secure Custody Order: Officers will take a juvenile into custody in accordance with NCGS 7B-1904. A copy of the custody order shall be given to the juvenile's parent, guardian, custodian, or caretaker by the official executing the order. Copies of the petition and custody order shall accompany the juvenile to the detention facility or holdover facility of the jail. Original documents shall be given to the DCI Clerk.
6. Show Cause Order: Officers and/or Central Records Clerks will personally read and present a copy of the order to the person named in the order with a valid court date.
7. Subpoena: Officers and/or Central Records Clerks will read the subpoena to the person named in the subpoena either in person, or by telephone and if in person, a copy will be given to that party with a valid court date. This is in accordance with NCGS 1A-1, Rule 45 of the Rules of Civil Procedure.
8. Mental Commitment: Within a 24-hour period, the officer(s) will secure the custody of the named individual and immediately take them for examination by a qualified physician or eligible psychologist in accordance with NCGS 122C-251.
9. In cases where a warrant does not exist, the officer will adhere to the guidelines set forth in NCGS 15A-401(b) for arrest by an officer without a warrant.

8.4.5 TERRITORIAL JURISDICTION

Fayetteville police officers are limited in territorial jurisdiction by NCGS 15A-402.

1. Under no circumstances will officers of the Fayetteville Police Department execute a criminal process outside of their jurisdiction without a law enforcement officer from the appropriate jurisdiction conducting the actual service of the process.
2. Criminal processes originating outside of the Department's jurisdiction will be served within the Fayetteville Police Department's jurisdiction providing they meet all the requirements of Chapter 15A of the North Carolina General Statutes. **In these cases, the Fayetteville Police Department requires a notification of the existence of a warrant either by having a copy of the warrant, NCIC/DCI confirmation, or EWarrants.**

8.4.6 RECORD OF ATTEMPTS OF SERVICE

When attempts to serve a process are made, officers will record the following information in EWarrants or RMS.

A. EWarrants

1. Under **Advanced Search**, change the status to Unserved.
2. Then go to the name section and put Last name, First name, and Date of Birth.
3. Click Search.
4. If there are any active processes they will be listed.
5. To track attempts or services use the **NOTE** section and document your attempts.
6. Use the **NOTE** section to document address changes also.

B. RMS

RMS – Secure Custody Orders, Juvenile Subpoenas, Show Cause Orders, paper Warrants; etc.

1. Click on Warrant.

2. Select Search and enter Warrant Number (docket number).
3. View.
4. Tracking.
5. Add.
6. Select "Tracking Code" from drop down menu.
7. Make sure correct date displays.
8. Enter Officer's Name.
9. The "Notes Block" will auto populate with the tracking code, and then add your notes. Example: same as above.
10. Select "Save."

8.4.7 REQUEST FOR WARRANT INFORMATION

A. Officers in the field requesting legal process information will utilize MDT's when available for felony or serious misdemeanor warrant checks and/or contact telecommunications when necessary for local checks. When requesting a local check, officers must spell the person's name phonetically to provide for an accurate check. Officers at the Police Administration Building will contact the DCI Operator or Warrant Control clerk directly.

B. It is the responsibility of all sworn officers of the Fayetteville Police Department to be aware of the existence of criminal processes on hand.

8.4.8 REFERENCES

N.C.G.S. 1A1, Rule 45	Subpoena
N.C.G.S. 7B-1805	Issuance of summons
N.C.G.S. 7B-1806	Service of summons
N.C.G.S. 7B-1902	Authority to issue custody orders
N.C.G.S. 7B-1903	Criteria for secure or non-secure custody
N.C.G.S. 7B-1904	Order for secure or non-secure custody
N.C.G.S. 15A-301	Criminal process generally
N.C.G.S. 15A-304(a)	Warrant for arrest
N.C.G.S. 15A-305	Order for arrest
N.C.G.S. 15A-401	Arrest by law enforcement officer
N.C.G.S. 15A-401(b)	Arrest by officer without a warrant
N.C.G.S. 15A-402	Territorial jurisdiction of officers to make arrests
N.C.G.S. 15A-1362(a)	Imposition of fines
N.C.G.S. 15A-1364(a)	Response to nonpayment
N.C.G.S. 122C-251	Custody and transportation
N.C.G.S. 122C-261	Affidavit and petition before clerk or magistrate when immediate hospitalization is not necessary

By Order Of: Kemberle Braden, Chief of Police
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **8.5**
	Subject **PROCESSING AND DISTRIBUTION OF REPORTS REQUIRING DCI TRANSACTIONS**	**Effective Date** November 21, 2023
	Revised 03-6-89, 10-4-93, 12-07-00, 02-25-02, 06-24-02, 03-17-14	**Page** 1 of 5
	CALEA Standard 41.2.5, 82.2.1	

8.5.0 OBJECTIVE

To establish procedures to be used by Police Records Clerks assigned to the Central Records Unit (CRU) for processing and distribution of reports requiring DCI transactions.

8.5.1 DCI POLICY

The Central Records Unit is the authorized Division of Crime Information (DCI) access area for the Fayetteville Police Department. Employees of this unit are responsible for following all DCI policies for the access, use, and dissemination of DCI information as required by the User Security/Service Agreements between the DCI and the Fayetteville Police Department.

8.5.2 STOLEN VEHICLE, AIRCRAFT AND BOAT REPORTS

A. Upon receipt of a stolen vehicle or boat report and DCI entry form, the DCI Operator will immediately perform a query into DCI to confirm ownership, vehicle, aircraft or boat information and determine if the stolen vehicle, aircraft or boat has been previously entered.

B. If the vehicle, aircraft or boat registration information does not match the victim listed on the incident report, the officer must do one of the following:

1. Provide a copy of the Bill of Sale.
2. Provide a copy of the Vehicle or Boat's signed Title.
3. Mention in his/her narrative that he/she has seen either a Bill of Sale or Vehicle or Boat Title signed over to the victim.
4. Correct the victim information on the report to match the DMV, aircraft or boat registration.

C. If the officer has not done one of the following actions listed above, the DCI operator will advise the officer of the issue and return all items to the officer for correction.

D. When it is determined that the stolen vehicle, aircraft or boat has previously been entered into DCI, the operator will advise the officer that the vehicle, aircraft or boat has already been listed as stolen in DCI and return the report to the officer.

If the original entry is a Fayetteville PD case, and it is determined that a new entry is required, then a supplement to remove the previous entry needs to be completed by the officer and submitted to DCI. A new report will be written and submitted for the new entry.

If the original entry is from an outside agency, a Calls for Service report will be written and the originating agency will be contacted, so that the original entry can be removed. A new report will be written and submitted for the new entry.

E. When it is determined that the stolen vehicle, aircraft or boat has not been previously entered into DCI, the DCI Operator will:

1. Enter the stolen vehicle into DCI using both VIN Number and License Plate Number. Enter the stolen boat into DCI using the Hull Number, or the OAN if no hull number is available. Enter the stolen aircraft with the registration (tail) number.
2. Enter vehicle, aircraft or boat owner's name, complete address, phone number(s) and additional vehicle or boat information in the miscellaneous field.
3. Send BOLO.
4. Complete the DCI entry form and second check list.

5. Update RMS with the NIC number.
6. Complete the appropriate colored folder for a stolen vehicle, aircraft or boat file.
7. Print and process hard copies of the DCI actions according to current guidelines.

8.5.3 RECOVERED VEHICLES OR BOATS

A. When a vehicle, aircraft or boat is recovered in our jurisdiction, it is the responsibility of the officer reporting the recovery to complete a report (if vehicle was stolen out of another jurisdiction) or a supplement (if the vehicle, aircraft or boat was stolen out of our jurisdiction). Once the report/supplement has been completed, the report/supplement will be signed by a supervisor, and forwarded to the DCI operator to ensure the vehicle or boat is removed from DCI.

B. Upon receipt of a recovered vehicle, aircraft or boat report (vehicle or boat stolen from another jurisdiction), the DCI Operator will immediately:

1. Verify that a Hit Request was sent and a "Confirmed" Hit Response was received by telecommunications and placed in the CAD call.
2. Query the vehicle to verify it is still in DCI as stolen. If not print the cleared query and place in the file with a note "cleared before Locate sent.
3. Send a Locate if still listed as stolen.
4. Print and process hard copies of the DCI actions according to current guidelines.
5. Note the top of the report in red ink "Locate Sent."

C. Upon receipt of a recovered vehicle, aircraft or boat supplement (vehicle, aircraft or boat stolen from our jurisdiction), the DCI Operator will immediately:

1. Send a Cancel BOLO.
2. Clear the vehicle, aircraft or boat from DCI.
3. Update RMS and complete the recovery portion of the DCI entry form.
4. Print and process hard copies of the DCI actions according to current guidelines.
5. If the registered plate was not recovered with the vehicle, then it must be entered into DCI as stolen.

D. Upon receiving a Hit Confirmation Stolen Vehicle Request through DCI from another agency, the DCI Operator will:

1. Determine that the vehicle, aircraft or boat is still considered stolen by the Fayetteville Police Department by pulling the incident report.
2. Send a Hit Confirmation Response to requesting agency, advising that the vehicle, aircraft or boat is still stolen and request they send a locate, along with information advising the condition of vehicle, aircraft or boat, suspect information, storage information, recovering agency incident case number, and if the agency has made contact with the owner.
3. Once a locate has been received, the DCI operator will cancel the BOLO and clear the vehicle, aircraft or boat from DCI.
4. Update RMS and complete the recovery portion of the DCI entry form.
5. Print and process hard copies of the DCI actions according to current guidelines.
6. Complete supplement in reference to the recovery.

8.5.4 MISSING PERSON / RUNAWAY REPORTS

A. Upon receipt of a Missing Person and/or Runaway report and DCI entry form, the DCI Operator will immediately perform a query into DCI to determine if the person has been previously entered.

B. When it is determined that the Missing Person and/or Runaway has been previously entered into DCI, the DCI Operator will:

1. Determine which agency entered the missing person/runaway.

2. If the missing person and/or runaway was entered into DCI by another agency, the DCI operator will contact that agency to confirm if the subject is the same person and then request the removal of their record from DCI. Once the other agency has removed their record, then the missing person and/or runaway may be entered into DCI by our agency.
3. If the missing person and/or runaway was entered in by our agency, the DCI operator would pull the original record, cancel the BOLO and clear the subject from DCI. The operator would then enter the missing person and/or runaway information into DCI using the new incident report information (See below for entry).

C. When it is determined that the Missing Person and/or Runaway has not been entered into DCI, the DCI Operator will:

1. Enter the Missing Person and/or Runaway information into DCI.
2. Attach an image (if available).
3. Send a BOLO containing all information regarding the missing person and/or runaway.
4. Complete the DCI entry form and second check list.
5. Update RMS with the NIC number.
6. Complete the appropriate colored folder for the missing person file.
7. Print and process copies of the entry according to current guidelines.

8.5.5 LOCATED / RETURNED MISSING PERSON AND/OR RUNAWAY

A. Upon receipt of a Located/Returned Missing Person and/or Runaway report/supplement, the DCI Operator will immediately perform a query into DCI to determine if the Missing Person and/or Runaway has been cleared.

B. When it is determined that the Located/Returned Missing Person and/or Runaway has not been cleared from DCI, the DCI Operator will first determine who the holder of the record is.

1. If the Fayetteville Police Department is the record holder, the DCI operator will:

   (a.) Pull the incident report.
   (b.) Cancel the BOLO.
   (c.) Clear the located/returned missing person and/or runaway from DCI.
   (d.) Update RMS and complete the recovery portion of the DCI entry form.
   (e.) Print and process hard copies of the DCI actions according to current guidelines.

2. If another Law Enforcement Agency is the record holder, the DCI operator will:

   (a.) Verify that a Hit Request was sent and a "Confirmed" Hit Response was received by telecommunications and placed in the CAD call.
   (b.) Send a Locate.
   (c.) Print and process hard copies of the DCI actions according to current guidelines.

C. Upon receiving a Hit Confirmation for a Missing Person and/or Runaway through DCI from another agency, the DCI Operator will:

1. Determine that the missing person and/or runaway is still considered missing by the Fayetteville Police Department by pulling the incident report.
2. Send a Hit Confirmation Response to the requesting agency advising that the missing person and/or runaway is still reported missing and request the recovering agency to send a locate, along with information about the recovery, the recovering agency's incident case number, and if the agency has made contact with the reporting person.
3. Once the locate has been received, the DCI operator will update RMS, complete the recovery portion of the DCI entry form, then print and process hard copies of the DCI actions according to current guidelines.
4. Complete supplement in reference to the recovery of the missing person and/or runaway.

NOTE: When a locate is sent on a missing person, the record will automatically be cleared from the DCI/NCIC system.

8.5.6 STOLEN PROPERTY–REPORT FOR DCI ENTRY: GUNS, LICENSE PLATES, SECURITIES, AUTO/BOAT PARTS AND ARTICLES

A. Upon receipt of a report or supplement and a DCI entry form for a stolen gun, security, auto/boat part and/or article, the DCI Operator will:

1. Query the stolen item to verify no previous entry.
2. Enter the stolen item information into DCI.
3. Complete the DCI entry form.
4. Update RMS with the NIC number.
5. Complete the appropriate colored folder for that particular stolen item.
6. Print and process hard copies of the DCI actions according to current guidelines.

B. Upon receipt of a report or supplement and a DCI entry form for a stolen license plate, the DCI Operator will:

1. Query the license plate to confirm ownership.
2. Enter the stolen license plate information into DCI.
3. Complete the DCI entry form and second check list.
4. Update RMS with the NIC number.
5. Complete the appropriate colored folder for a stolen license plate.
6. Print and process hard copies of the DCI actions according to current guidelines.

8.5.7 RECOVERED PROPERTY

A. Upon receipt of a recovered property report, the DCI Operator will immediately query DCI to determine if the recovered property was previously reported as stolen and the record is active in DCI/NCIC.

B. When it is determined that the recovered property was previously reported as stolen from our jurisdiction and is an active record in DCI, the DCI Operator will:

1. Pull the incident report.
2. Clear the recovered property from DCI.
3. Update RMS and complete the recovery portion of the DCI entry form.
4. Print and process hard copies of the DCI actions according to current guidelines.

C. When it is determined that the recovered property was not previously reported/entered as stolen in DCI/NCIC, the DCI Operator will return the report to the officer along with a hard copy showing that item is not entered in DCI as stolen.

D. If the recovered property was previously reported from another agency, the DCI Operator will:

1. Verify that a Hit Request was sent and "Confirmed" Hit Response was received by telecommunications and placed in the CAD call.
2. Send a Locate.
3. Print and process hard copies of the DCI actions according to current guidelines.

8.5.8 IDENTITY THEFT REPORT

Upon receipt of an Identity Theft supplement, DCI entry form and an Identity Theft File Consent Form from an investigating officer, the DCI Operator will:

1. Enter the Identity Theft victim information into DCI.
2. Attach an image (if available).

3. Complete the DCI entry form and second check list.
4. Complete the appropriate colored folder for an identity theft file.
5. Print and process hard copies of the DCI actions according to current guidelines.

8.5.9 REMOVAL OF AN IDENTITY THEFT VICTIM

Upon receipt of a supplement to remove the Identity Theft victim file from DCI/NCIC, the DCI Operator will:

1. Pull the incident report.
2. Clear the identity theft file from DCI.
3. Complete the recovery portion of the DCI entry form.
4. Print and process hard copies of the DCI actions according to current guidelines.

8.5.10 DCI PRINT-OUT REQUEST

A. Officers requesting DCI print-outs on motor vehicle registrations may do so via telecommunications. The DCI information will be transferred by telecommunication operators to the Central Records Unit DCI Operator who will be responsible for placing the printed request in the proper shift folder at the end of their shift if it has not been picked up by the officer. Shift supervisors will retrieve the printed DCI copies and disseminate them to the requesting officer during assembly.

B. Other city departments may request DCI information, upon approval by DCI, for specific areas of concern, i.e., employment applications, employee's driver's license check, etc. The driver's license history requests will be maintained in the DCI log.

By Order Of: Kemberle Braden, Chief of Police
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **8.6**
	Subject **DEPARTMENT / NCIC / DCI COMPUTER ENTRIES ON WANTED SUBJECTS**	**Effective Date** November 21, 2023
	Revised 04-28-89, 12-3-93, 12-07-00, 02-25-02, 08-19-10, 07-14-11, 03-17-14	**Page** 1 of 3
	CALEA Standard 1.2.5, 74.1.3, 82.1.1, 82.2.1	

8.6.0 OBJECTIVE

To establish a procedure for entering wanted subjects into the Fayetteville Police Department, National Crime Information Center (NCIC), and the Division of Criminal Information (DCI) computer systems.

8.6.1 WANTED PERSONS

A. National Wanted Persons (NCIC)

1. Felony warrants will be entered into NCIC.

   (a.) "NO EX" – if no extradition.

2. We do not enter extradition for warrants. If a warrant is active and entered in NCIC by our department and the officer or detective wants to have the person extradited:
   a. The requesting officer will take the paperwork to the District Attorney's Office and have extradition approved.
   b. The paperwork will then be brought to the DCI window. The DCI clerk will do a criminal background, DMV and vehicle check.
   c. The paperwork will be returned to the officer so they can take it to CCSO. Once CCSO has the paperwork, they will call DCI or the legal process unit and ask for the warrant to be forwarded to them.
   d. DCI will forward the warrant to CCSO through EWarrants and cancel the existing warrant from DCI.
3. If the warrant is not in DCI:
   a. The requesting officer will take the paperwork to the District Attorney's Office and have extradition approved.
   b. The paperwork will then be brought to the DCI window. The DCI clerk will do a criminal background, DMV and vehicle check.
   c. The paperwork will be returned to the officer so they can take it to CCSO. Once CCSO has the paperwork, they will call DCI or the legal process unit and ask for the warrant to be forwarded to them.
   d. DCI will forward the warrant to CCSO through EWarrants.

B. State Wanted Persons (DCI)

1. The following misdemeanor warrants, including FTAs will be entered into DCI:

   (a.) Assaults – Domestic Violence Related Only.
   (b.) Misdemeanor Death by Vehicle.
   (c.) Stalking/Cyber Stalking.
   (d.) Any Other Type of Domestic Violence Related Process.
   (e.) Other charges as determined by the needs of the Department.

2. Patrol District Commanders, or their designee are responsible for arrangements with outside agencies in the State of North Carolina for pickup and transportation of subjects wanted by this agency that have been arrested in their jurisdiction. Guidelines established in the Operating Procedure entitled Prisoner Transport Team will be followed when prisoner transports are required.

3. Legal processes in EWarrants that state “UNSERVED” are in an electronic format and can be printed and “SERVED” regardless of jurisdiction. However, contact should be made with the Owning Agency, as a courtesy, in case the wanted person is entered in NCIC.

8.6.2 WARRANT ENTRY PROCEDURES

A. When an officer or detective obtains a warrant for arrest, the officer/detective will be responsible for completing the Wanted Person DCI Entry Form and Arrest Warrant Priority Assessment Sheet, and submit it to the on duty DCI clerk for entry into DCI/NCIC within 3 days of the date of issuance. The Wanted Person DCI Entry form must include the following suspect information:

1. OCA number.
2. Full name.
3. Race.
4. Sex.
5. Date of birth.
6. Height.
7. Weight.
8. Hair color.
9. Eye color.

B. The following suspect information is important, but is optional:

1. Vehicle registration information.
2. Social security number.
3. Driver license number.

C. The completed Wanted Person DCI Entry Form, Arrest Warrant Priority Assessment Sheet, and the warrant should be submitted to DCI for processing as follows:

1. The CRU DCI operator will review the Wanted Person DCI Entry Form for completeness.
2. The DCI Operator will run a criminal history on the wanted subject to determine if there is additional information that can be added to the DCI/NCIC entry. Any information obtained from the criminal history such as aliases, additional date of birth’s, social security numbers, alerts, tattoos, or identifying information will be included in the DCI entry.
3. The DCI operator will enter the information contained on the Wanted Person DCI Entry Form into NCIC/DCI and record the "NCIC Number," "Date/Time Entered", and “Clerk” in the spaces on the Wanted Person DCI Entry Form.
4. The DCI operator will put all copies of the NCIC/DCI Wanted Persons Report (which consists of the Wanted Person DCI Entry Form, all DCI/NCIC queries, screen shots and printouts) together in a file folder and have a second party check conducted. The DCI operator will forward the yellow copy of the Wanted Person DCI Entry Form to the officer/detective after the warrant has been served. The on duty DCI clerk will also add the NCIC number in the EWarrants notes field along with “If located contact Fayetteville Police Dept. at 910-433-1802 for removal from DCI/NCIC”
5. Warrants obtained by officers/detectives can be accessed in EWarrants and P2P.
6. The CRU Legal Process Clerk will enter documents from other law enforcement agencies into the department's computer system when the defendant resides in the City limits and the other agency is not on EWarrants.
7. The warrant and NCIC/DCI Wanted Person Report will be placed in a file and placed in the warrants section of the DCI room.
8. DCI will not accept legal documents from officers/detectives that do not have a completed Wanted Person DCI Entry Form.

8.6.3 SERVED WARRANTS - WARRANT REMOVAL PROCEDURES

When an officer/detective arrests a wanted person and a warrant is served:

1. The arresting officer/detective will contact the CRU DCI operator immediately and request removal of the subject from NCIC/DCI and the records management system.

2. The DCI operator or Legal Process Clerk will verify the removal of the subject from EWarrants.

8.6.4 UNSERVED WARRANTS

The CRU DCI operator will cancel any information from the NCIC/DCI computer system that has been recalled by the Clerk of Court or District Attorney's Office and list as "Returned" in RMS and if applicable "RETURNED" in EWarrants.

8.6.5 DOMESTIC VIOLENCE WARRANTS

Domestic Violence Warrants will be entered into NCIC/DCI by the DCI Operator or Legal Process Clerk who will make contact with the DV unit and appropriate sergeant.

8.6.6 LEGAL DOCUMENTS RECEIVED FROM OTHER AGENCIES

Legal Documents with city addresses received from the Office of the Clerk of Court, Cumberland County Sheriff's Civil Office, Magistrates, and officers of the Fayetteville Police Department will be entered into the department's computer system. Documents received through the mail from other jurisdictions will be reviewed to determine if a city or county address is listed. City address documents will be entered into the Department's system. County Address documents will be forwarded to Cumberland County Sheriff's Civil Office for service. Any legal process received through EWarrants. that belongs to another agency will be forwarded to that agency via EWarrants.

8.6.7 NCIC/DCI CHECKS

A. Officers will request NCIC/DCI checks whenever necessary in the performance of their official duties. Officers will indicate on the appropriate incident reports that a check was requested and the results of the check. Officers should utilize a Mobile Data Computer (MDC) to conduct the checks if a terminal is available.

B. The CRU Supervisors will ensure that sufficient personnel are trained and qualified as DCI operators to maintain operations 24 hours a day.

By Order Of: Kemberle Braden, Chief of Police
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **8.7**
	Subject **CONTROLLED ACCESS OF DCI INFORMATION**	**Effective Date** November 21, 2023
	Revised 12-28-87, 2-25-02, 10-09-12	**Page** 1 of 1
	CALEA Standard N/A	

8.7.0 OBJECTIVE

To control limited access to DCI Motor Vehicle Registration, Driver's License Issuance Information, and other Criminal Justice Information (CJI).

8.7.1 PUBLIC INFORMATION

The Police Department will release public information concerning vehicle registration and driver's license issuance information under the following circumstances listed below:

a. When the officer is investigating a failure to pay for goods received and the victim desires to pursue civil prosecution.
b. When needed by victims for civil cases in which the suspect's conduct could be considered criminal.

Driver's License Information and Vehicle Registration Information will not be given out over the telephone.

8.7.2 RESTRICTED AREAS

The department will control physical access to all "Restricted Areas" and only authorized personnel are allowed access to the "Restricted Areas". Areas that have access to a DCI terminal and contain Criminal Justice Information (CJI) will be classified as "Restricted Areas". All "Restricted Areas" will be labeled with "Authorized Personnel Only" signs. Each bureau/division will be required to maintain a proper access for all "Restricted Areas".

An employee must escort the visitor and monitor the visitor's activity while in the "Restricted Areas". The employee must remain with the visitor at all times.

In the case of non-employee law enforcement personnel (spouse, family members), a background and fingerprint check is not required. The spouse or family member will be escorted by an employee before entering a "Restricted Areas".

8.7.3 Employee Fingerprinting

All Fayetteville Police Department employees, sworn and non-sworn, will have their fingerprints submitted to the State Bureau of Investigation. This will be completed during the non-sworn employee in processing phase.

By Order Of: Kemberle Braden, Chief of Police
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **8.8**
	Subject **NATIONAL INCIDENT-BASED REPORTING SYSTEM**	**Effective Date** November 21, 2023
	Revised 12-1-88, 10-6-93, 12-07-00, 02-25-03, 07-11-08, 03-17-14	**Page** 1 of 1
	CALEA Standard 82.1.4, 82.1.5, 82.2.1, 82.2.2	

8.8.0 OBJECTIVE

To establish procedures for the collection and reporting of crime in accordance with standards set by the Federal Bureau of Investigation National Incident-Based Reporting System (NIBRS).
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8.8.1 COLLECTION OF UCR DATA

All sworn employees of the department will furnish information necessary for the collection of data for National Incident-Based Reporting System (NIBRS). Officers are required to provide the following:

1. A permanent record of each crime upon receipt of a complaint or call for services.
2. A detailed description of the offense as alleged by the complaint.
3. A clear indication of closed by arrest and/or exceptional means in the status portion of the report when the same applies.
4. A detailed description of all stolen properties including serial numbers, models, manufacturers and values.
5. A completed change notice on all cases wherein the status of the crime reported on the initial report changed through investigation.
6. All traffic collision reports completed in accordance with the current guidelines in our Operating Procedure on Collision Reporting and Investigation.

8.8.2 SUPERVISOR RESPONSIBILITIES

Supervisors are responsible for:

1. Reviewing CIR, Arrest, Supplemental and Accident reports for accuracy on a daily basis.
2. Rejecting reports that need correction and providing feedback to officers.
3. Signing off on reports that are correct.
4. Completing the Daily Records Review of reports from assigned officers or subordinates.
5. Ensuring the NIBRS data is correct for submissions.

8.8.3 SUBMISSION OF NIBRS DATA

The RMS Database Manager or their designee will ensure the following:

1. Random checks during the reporting periods are performed to ensure that National Incident-Based Reporting System Rules and Regulations relative to report classifications are being followed.
2. Information necessary for monthly NIBRS statistics have been submitted by all contributors and entered into the RMS department computer system.
3. Monthly entries are monitored to ensure corrections are made as necessary.
4. A “reject & warning” list is downloaded from the Department of Justice’s website and necessary corrections are made in RMS.

By Order Of: Kemberle Braden, Chief of Police
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **8.9**
	Subject **AUTOMATED CRIMINAL FILES**	**Effective Date** 25 September 2023
	Revised 07-03-89, 10-5-93, 12-07-00, 02-25-02	**Page** 1 of 1

This Operating Procedure was rescinded on September 25, 2023.

By Order Of: Kemberle Braden, Chief of Police
Digitally Signed

8.10.0 OBJECTIVE

This policy outlines procedures for handling public records requests to ensure timely, accurate, and transparent responses to individuals seeking information about the status of their requests, investigations, or other police-related matters. It is designed to support accountability, foster public trust, and ensure compliance with legal and departmental standards. This policy applies to all officers, staff, and administrative personnel involved in processing or responding to public records requests within the department.

It is the policy of the Fayetteville Police Department to provide clear, prompt, and respectful responses to all public records requests. Responses should prioritize transparency while safeguarding sensitive information in line with department guidelines and privacy laws.

8.10.1 DEFINITIONS

Next Request - A web-based service the Fayetteville Police Department uses to manage, track, and collaborate on public records requests. It helps streamline the response process, making it easier to handle requests efficiently.

Requestor - The individual, organization, or authorized representative submitting the Public Record Request.

Custodian – The public official or agency that has responsibility for the requested public record.

Timely Response - A response provided within the timeframe specified by department guidelines or applicable legal requirements.

Public Records - North Carolina General Statute (N.C.G.S.) §132-1(a) defines public record(s) as "all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions. Agency of North Carolina government or its subdivisions shall mean and include every public office, public officer or official (State or local, elected or appointed), institution, board, commission, bureau, council, department, authority or other unit of government of the State or of any county, unit, special district, or other political subdivision of government." Requestors should be aware that the public records policy does not require the City to do research, to analyze data, or to answer written questions. Additionally, N.C.G.S. §132-6.2(e) provides, in part, that "Nothing in this section shall be construed to require a public agency to respond to a request for a copy of a public record by creating and compiling a record that does not exist."

Confidential Information – Information or data that is protected and shall be excluded from release as defined by N.C.G.S Chapter 132.

8.10.2 SUBMISSION AND ACKNOWLEDGEMENT OF PUBLIC RECORD REQUESTS

A. The requestor must submit a public record request to the proper custodian.

B. A public record request can be submitted in any form to include in-person, by mail, by phone, or via electronic means.

C. The requestor must provide relevant details, including the reference number of the initial request, the nature of the inquiry, and any supporting information that will assist in processing the Public Record Request.

D. All Public Record Requests will be confirmed within 24 hours of receipt. The confirmation will verify receipt of the request and provide an anticipated response or update timeframe.

8.10.3 PROCESSING AND REPONSE

A. Public record requests that received outside of the Next Request platform will be entered by an employee of the Central Records Unit into Next Request for proper tracking, management, and response. No public record shall be denied because it was not entered into Next Request.

B. The Fayetteville Police Department will make reasonable efforts to locate the information or case details associated with the Public Record Request.

C. A point of contact from the Fayetteville Police Department Central Records Unit will be assigned to track all Next Request submissions. When a request requires assignment to an employee or department for processing, the assigned task must be completed within 72 business hours. The task will clearly identify the information or records needed, and the Central Records Unit will monitor it until completion.

D. General public records requests will be processed, completed, and closed within 7 business days, provided the request does not require legal review and is not pending further discussion or review. Requests requiring legal review or further discussion may require additional time, consistent with applicable law.

E. The following categories of requests are subject to the timeframes below, in place of the general 7 business day timeframe:

1. Employment background checks submitted by other agencies: complete within 5 business days.
2. Department of Social Services (DSS) requests: process as soon as possible.
3. Restraining order requests and other safety-related requests: process as soon as possible, due to potential safety concerns.

F. If a requestor does not respond to a request for clarification or additional information, the department will allow 7 calendar days from the date of the last contact attempt for the requestor to respond. If no response is received within 7 calendar days, the department may close the request. Before closing, the assigned employee will document the date and method of each contact attempt and note in Next Request that no response was received.

G. All responses shall be released via the Next Request platform. If the record or information already exists within the Open Data Portal, no other record must be provided according to N.C.G.S. §132-6(a1): “A public agency or custodian may satisfy the requirements in subsection (a) of this section by making public records available online in a format that allows a person to view the public record and print or save the public record to obtain a copy. If the public agency or custodian maintains public records online in a format that allows a person to view and print or save the public records to obtain a copy, the public agency or custodian is not re quired to provide copies to these public records in any other way.

8.10.4 EXEMPTIONS AND LIMITATIONS

A. Requests that involve ongoing investigations, confidential sources, or sensitive personal data may have limitations on information disclosed.

B. Any requests involving legally protected confidential information will be addressed in accordance with applicable privacy and confidentiality laws.

C. N.C.G.S. §132-6.2(e): "Nothing in this section shall be construed to require a public agency to respond to a request for a copy of a public record by creating or compiling a record that does not exist."

8.10.5 RECORD KEEPING AND DOCUMENTATION

A. Retention: The law requires that public records be retained in a manner that allows public access and specifies periods of time during which the record must be retained and may not be destroyed. As to all records, the city follows the information and guidelines provided by the Records Retention and Disposition Schedule.

City officials and employees should review the disposition guidelines in the Records Retention and Disposition Schedule and refer to it as necessary. All records should be managed to meet all retention requirements set forth in the schedule. There may be special circumstances in which other legal requirements for retention exist, such as an outstanding records request, court subpoena, court order, some state or federal law, or grant requirement. In these cases, retain the record until the special circumstance no longer exists.

B. Disposition: Public records can and should be destroyed after they have been retained for the correct time period as determined by the disposition guidelines in the Records Retention and Disposition Schedule and in accordance with the guidelines set by the Fayetteville Police Department, unless there is some other reason that record should be retained. Having a plan for the destruction of records eliminates obsolete records and saves resources by not indefinitely and unnecessarily storing records beyond appropriate retention periods.

A public record that is not purged remains a public record and must be disclosed upon proper request or upon receipt of a subpoena.

C. Redacting Protected Information: If a requested record is exempt from the Public Records Law, it is not a public record and will not be made available, except under special circumstances. However, a record may contain information that is protected, while the entire record is not protected or exempt. In those cases, the protected information will be redacted in a manner that shows that a redaction was made. It is the custodian's responsibility to see that the protected information is redacted or protected. If in doubt, consult with the City Attorney's Office.

8.10.6 REVIEW AND UPDATES

This policy will be reviewed and updated as necessary to reflect legal changes or improvements in the department's practices for handling public inquiries.

8.10.7 REFERENCES

OP 3.28	Records Retention and Electronic Filing
N.C.G.S. 132-1(a)	Public Records
N.C.G.S. 132-6.2(e)	Provisions for copies of public records; fees
N.C.G.S. 132-6(a1)	Inspection, examination and copies of public records

CALEA Law Enforcement Standards	N/A
CALEA Communications Standards	N/A
CALEA Training Academy Standards	N/A

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **9.1**
	Subject **COLLISION REPORTING AND INVESTIGATION**	**Effective Date** 20 September 2024
	Revised 02-29-88, 11-17-93, 05-23-94, 02-29-00, 11-06-00 (Pg. 2-4 SP), 02-25-02, 12-09-02, 05-09-07, 03-03-08, 01-15-13	**Page** 1 of 6
	CALEA Standard 61.1.5, 61.2.1, 61.2.2, 82.2.1, 82.2.2, 83.2.6	

9.1.0 OBJECTIVE

To establish guidelines for the department's traffic collision reporting and investigation practices.

9.1.1 GENERAL

A. Officers will respond to, report, and investigate (except as noted) the following types of traffic collisions:

1. Collisions resulting in death or injury, whether on public or private property.
2. Hit and run collisions, whether on public or private property.
3. City of Fayetteville vehicle collisions, whether on public or private property.
4. All collisions on the public right of way, including government owned and maintained parking areas and driveways available to the public (investigating and reporting will be determined by statutory limit).
5. Collisions due to impairment caused by alcohol and/or drugs, whether on public or private property.
6. Collisions involving hazardous materials, whether on public or private property.
7. Collisions that create major traffic congestion (investigating and reporting will be determined by statutory limit).
8. Collisions where damage to the vehicle(s) requires towing services (investigating and reporting will be determined by statutory limit).
9. Collisions involving disturbances between the principals involved (investigating and reporting will be determined by the statutory limit).
10. Collisions resulting in property damage of any amount to a vehicle seized.
11. The vehicle has been seized and is subject to forfeiture under N.C.G.S. 20-28.3.

B. Civilian Traffic Investigators (CTI) will respond to, report and investigate the following types of traffic collisions in accordance with all applicable state law:

1. Hit and run collisions, whether on public or private property, that do not involve injury or death.
2. All collisions on the public right of way, including government owned and maintained parking areas and driveways available to the public that do not involve injury.
3. "Reportable" and "non-reportable" collisions as defined by the North Carolina General Statutes.
4. Delayed collisions that do not involve death or injury.
5. Collisions involving hazardous materials, whether on public or private property, that do not involve injury.
6. Conduct traffic control for collisions that create major traffic congestion.

9.1.2 PRIVATE PROPERTY COLLISIONS

The Police Department will not respond to property damage traffic collisions that occur on private property unless:

1. There is a dispute between the principals.
2. A hit and run collision occurred.
3. A City vehicle is involved.
4. Alcohol and/or drug impairment is involved.
5. Hazardous materials are involved.
6. The collision occurred in a shopping center or area normally accessible to the public.

9.1.3 PUBLIC RIGHT OF WAY COLLISIONS UNDER THE STATUTORY LIMIT

A. When an officer/CTI responds to a traffic collision which results in property damage only, and the total damage is obviously under the $1,000 statutory limit for reporting a collision the officer/CTI will clear the roadway, restore the normal flow of traffic, and assist the principals in the exchange of information required for insurance purposes and complete a CAD report.

B. When completing a CAD report, the officer/CTI must advise Communications or enter into CAD on their own the collision location, vehicle license plate numbers, driver's license numbers, what caused the collision and of any motor vehicle law violation.

C. Vehicle registration and driver's license numbers must be verified via Division of Criminal Information (DCI). Teleserve can retrieve the collision information from CAD if the citizen's involved need the collision information for insurance purposes.

D. If it is not "obvious" to the officer/CTI that the total damage is under the statutory limit ($1000.00), a DMV-349 report must be taken. Officers/CTI must investigate a "reportable" collision in accordance with N.C.G.S 20-166.1(e).

9.1.4 HIT AND RUN COLLISION INVESTIGATIONS

A. Traffic collision incidents in which the vehicle operator fails to stop and take account of the collision will be investigated by the Police Department regardless of the damage amount or place of occurrence (must be in the city limits).

B. In any situation in which there is sufficient information to follow up, the officer will continue the investigation until an arrest has been made or all leads have been exhausted, at which point the case will be forwarded to the hit and run investigator. The field contact module will be completed to indicate the follow up investigative information indicated on the "Confidential Hit and Run" for the report type.

C. In any hit and run situation involving serious injury or a fatality, traffic officers will be notified, and if necessary, assistance from the Major Crimes Investigators may be requested.

9.1.5 DELAYED COLLISION REPORTS

A. Occasionally, the Police Department and/or Communications Center receives collision investigation calls and/or walk-ins in which the principal has delayed his/her report until some time after the collision occurred and one or more vehicles have left the scene. Whenever this occurs, and the collision is reportable, it will be assigned to the Traffic Unit of the Specialized Services Bureau for investigation. **All** parties involved in the collision must be present before an investigation will be conducted.

B. If it is after the normal duty hours or the officers are off duty, the collision victims should be advised that the report may be filed at the Police Department by any on-duty officer/CTI.

C. If the collision is classified as non-reportable, the officer/CTI will assist the parties involved in the exchange of information required for insurance purposes.

D. The officer/CTI must advise Communications of the collision location, vehicle registration numbers, driver's license numbers and what caused the collision. Vehicle registration and driver's license numbers must be verified through DCI. Teleserve can retrieve the collision information from CAD if the citizens involved need the collision information for insurance purposes.

9.1.6 REPORTS

A. Officers/CTI will prepare and submit those reports required by state law, policies, and procedures on the appropriate form(s). N.C.G.S. 20-166.1 requires that the investigating officer/CTI make a written report of the crash within twenty-four (24) hours.

B. Officers/CTI will accurately complete all traffic collision reports and submit them via OSSI Crash Module or hard copy to their supervisors for review prior to the end of their tour of duty. Traffic collisions pending further investigation may be placed in a hold file in the Central Records Unit (CRU) only with a supervisor's approval. All completed hard copy reports will be turned in to CRU for processing.

C. Officers/CTI should be aware that driver impairment due to alcohol and/or drugs is a factor in many collisions, especially those involving fatality or personal injury. Officers/CTI will be alert to clues or evidence of such impairment when carrying out collision reporting or investigative duties and will take appropriate enforcement action whenever sufficient evidence is obtained. CTI will request an officer respond to their location when alcohol is identified as being involved.

D. The DMV-349 form, "is for the use of the Division of Motor Vehicles. The data is collected for statistical analysis and subsequent highway safety programming. Determinations of "Fault" are the responsibility of Insurers or of the State's Courts". Officers/CTIs will only report what transpired in the collision such as but not limited to: Vehicle 1 failed to reduce speed and struck Vehicle 2.

9.1.7 COLLECTION OF AT SCENE INFORMATION AND EVIDENCE

All information must be collected in a manner that ensures accuracy and admissibility into court. This procedure is not intended to require all of the below mentioned activities for every vehicle collision investigation but to provide a guideline;

1. Photographs of the final positions of the vehicles, photographs of damage to vehicles and evidence of the collision on the roadway, such as tire marks, debris, and damaged objects.
2. Field examinations of vehicle components for failure or damage.
3. Matching of vehicle damage with the damage of other vehicles, objects, and marks on the roadway.
4. Skid tests.
5. Observations of visibility and view obstructions.
6. Trip plans of each driver or pedestrian involved.
7. Events, maneuvers and anticipated actions just prior to collision.
8. Accurate descriptions and measurements of all vehicle damage, marks on roadway, final positions of vehicles, and debris.
9. Identification and preliminary statements from drivers and witnesses.
10. Any other information related to the collision that may be necessary to insure the completeness of the investigation.

A. Taking Photographs

1. When requested Forensic Technicians will take photographs in accordance with Operating Procedure 6.7 Forensic Unit Evidence Collection Procedures.

B. Examining Vehicle Condition

1. Tires will be checked for proper inflation, tread, and any indication of blow out. Sidewalls will be checked for recent scrapes, cuts, or marks that indicate braking or a sideward sliding action of the vehicle. Wheels will be checked for recent damage, marks, and dents.
2. If the vehicle lights are functional, they will be checked to determine if they were on or off during the collision and the position of the switches.
3. Vehicles will be checked for proper visibility, including windshield and all windows, for evidence of any obstruction of the driver's view. The glass will be checked immediately (short-lived

evidence) for obscurity due to fogging, snow, or frost. The glass will also be checked for cracks, discoloration, and stickers that may have created an obstruction.

4. Interior of the vehicles will be checked for any loose materials that may have interfered with the driving ability of the driver.
5. Rear view mirrors will be checked for their presence and condition.
6. Vehicle frame and body will be checked for any indication of alterations in the frame, suspension, and steering mechanism.
7. Mechanical controls will be checked and their condition noted relative to the position of the gear shift level, position of accessory switches, light switches, position of speedometer, proper operation of pedals, operation of horn, the presence and condition of sun visors.
8. Officers/CTI who note faulty equipment that warrants a more thorough and in-depth examination will hold the vehicle as evidence and arrange for qualified personnel to examine the vehicle, particularly if defects are suspected in the braking and steering mechanisms of the vehicle.
9. Officers/CTI should attempt to determine whether deficiencies noted in the vehicle existed prior to the collision, contributed to the collision, were a result of the collision, or merely circumstances which were present but not a contributing factor.
10. Officers/CTI will also check the damage obviously sustained in the collision of each vehicle. A thorough examination and evaluation of the damaged area may coincide with other evidence and statements as to how the collision occurred.

C. Examining Road and Weather Conditions

1. Officers/CTI will note all conditions of the road at the scene, during the investigation, for inclusion in the investigative report. If possible, in checking these conditions, officers/CTI will approach the scene from the same direction as each driver and from the same position in the roadway as the driver.
2. In examining the condition of the road, officers/CTI should be alert for any foreign substance on the surface (sand, loose gravel, oil, etc.). Officers/CTI should note road markings for clarity or obscurity, note the grade and super-elevation, width of each lane, alignment (offsets, narrowing), and the condition of the edge (rough, drop off, cracks).
3. If possible, officers/CTI will check the road for any obstruction that existed at the time of the collision. This includes parked vehicles, glare, background lighting, foliage, and structures (permanent and temporary).
4. Officers/CTI will check the control devices present, including speed limit signs preceding the collision scene; present conditions, size and conspicuousness of other control signs; and the proper functioning of traffic signal lights.
5. Officers/CTI will record any unusual weather conditions existing at the time of the collision such as rain, snow, or fog.
6. When it is necessary and appropriate to conduct skid tests, officers will do so cautiously.

D. Questioning Drivers and Witnesses

1. Officers/CTI will question drivers and witnesses separately concerning the traffic collision. If available, the BWC will be used during questioning. Officers/CTI will discourage drivers and witnesses from discussing the collision with each other.
2. In less serious reported traffic collisions, the questioning of drivers and witnesses is usually conducted at the scene. In collisions of a more serious nature requiring extensive investigation, a brief account will be obtained at the scene, and subsequently, a formal and comprehensive statement should be taken at a more suitable location, preferably departmental facilities. Officers/CTI will question drivers and witnesses as soon as practical following the collision. However, the questioning may be delayed until the person has received medical attention, regained emotional stability, or attended to other urgent personal business.
3. If no injuries are detected, officers/CTI should interview drivers in alphabetic order, according to the first letter of the driver's last name. When questioning drivers and witnesses, officers/CTI will be objective and exhibit emotional stability, diplomacy, and understanding. Officers/CTI will reflect a professional attitude / demeanor and avoid conflict, profanity and sarcasm.

4. When questioning drivers, officers/CTI will be alert to any physical or emotional impairment (temporary or permanent) that may have affected the person's driving ability. This will include, in particular, being alert to evidence of alcohol and/or drug impairment.
5. Officers/CTI should question drivers relative to trip plan, emotional experience (e.g., aggravation with traffic during rush hour), the point at which danger was first perceived, what the driver was doing at that point, evasive action taken, and condition of vehicle prior to the collision.
6. When available, officers/CTI will ask witnesses their exact location when they witnessed the collision, what they were doing at the time, what called their attention to the collision, and what they saw, heard, or performed in response.

E. Collision Diagram and Measurements

1. Diagrams are useful in assisting the officer/CTI and explaining the collision, and enable the officer/CTI to reveal facts, to locate again any given point at the scene, and to prepare an accurate scale drawing. When investigating collisions, officers/CTI should prepare such diagrams as may be necessary and appropriate for these and other investigative purposes.
2. The diagram will be prepared on a Collision Report Form DMV-349.
3. The diagram should contain:

    a) Roads and intersecting roads, width of roads, shoulders and median strips.
    b) Direction of travel for each traffic lane.
    c) All roadway features pertinent to the collision.
    d) Paths of travel for involved vehicles and pedestrians prior to, at and after the collision.
    e) Tire marks and debris, if important to the collision or otherwise needed.
    f) Measurements pertinent to the location of the point of impact.

4. When necessary measurements will be taken by using the triangulation and/or coordinate method.
5. When necessary and appropriate for a particular investigation, the information on the diagram will be used to prepare a diagram to approximate scale.
6. Officers/CTI will use the department approved standardized symbols in the collision diagrams they prepare.

F. Exchanging Information Among Involved Parties

1. Officers/CTI will explain to drivers involved in the collision their individual responsibilities in reporting the collision, as necessary and appropriate.
2. Officers/CTI will ensure that exchange slips are completed by the involved parties and explain how to obtain a copy of the official DMV-349 or CAD report.
3. Officers/CTI will assist the involved drivers in providing and obtaining pertinent information to/from the other involved drivers.

G. Follow-up Collision Investigation

1. All follow-up collision investigations will be recorded on a supplemental Collision Report Form DMV-349 and will be completed in a manner that ensures accuracy and admissibility in court. This includes but is not limited to collection of off-scene data; obtaining and recording formal statements from witnesses; reconstructing the collision and preparing formal reports to support criminal charges arising from a collision.
2. In collision investigations where expert or technical support may be required, a supervisor will be the granting authority of such expert or technical expertise.

H. Enforcement for Violations Resulting from Traffic Collisions

Must cite collisions:
1. Collision results in injuries to any party, or
2. Collision results in extensive property damage, or
3. Results of the investigation reveal gross negligence on the part of the violator, or
4. There are no mitigating factors which would redeem the violator's action, and

5. The violation is based on facts of evidence that will support the charge in a court of law.

9.1.8 REFERENCES

O.P. 6.07	Forensic Unit Evidence Collection Procedures
O.P. 9.05	Traffic Law Enforcement
N.C.G.S. 20-166	Duty to stop in event of a crash; furnishing information or assistance to injured person, etc.: persons assisting exempt from civil liability.
N.C.G.S. 20-28.3	Seizure, impoundment, forfeiture of motor vehicles for offenses involving impaired driving while license revoked or without license and insurance, and for felony speeding to elude arrest.
NCDMV-349	Instruction Manual

By Order Of: Kemberle Braden, Chief of Police
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **9.2**
	Subject **REPORTING HAZARDOUS ROADWAY CONDITIONS**	**Effective Date** 29 May 2026
	Revised 04-25-88, 02-25-02, 08-13-20	**Page** 1 of 2
	CALEA Standard 61.4.2	

9.2.0 OBJECTIVE

To establish guidelines for taking action to correct hazardous roadside and highway conditions.

9.2.1 TYPES OF HAZARDS

A. Hazardous Highway Conditions include but are not limited to:

1. Defects in the roadway itself (holes, ruts, or dangerous shoulders).
2. Lack of, or defects in, highway safety features.
3. Lack of, improperly located, or malfunctioning mechanical traffic control devices or signs.
4. Lack of or defective roadway lighting systems.
5. Obstructions such as fallen trees and rocks, litter, vehicle parts, broken water mains and electrical wires and /or roadway debris.
6. Ice or heavy snow accumulations on roadway surfaces.
7. Fire and smoke in areas adjacent to the highway.
8. Vehicles parked or abandoned on or near the roadway.

B. Roadside Hazards include but are not limited to:

1. Guard rails that may spear cars or otherwise may fail to guide a vehicle to a safer environment in the event of impact.
2. Unshielded bridge railings.
3. Gore areas, bridge abutments and other hazardous fixed objects built off the roadway.
4. Utility poles, trees, ditches, steep banks, culverts, rock formations, and other fixed objects.

9.2.2 REPORTING

A. If a hazard requires immediate correction, the officer or Civilian Traffic Investigator (CTI) will immediately notify Communications so the proper authority can be notified to correct the situation.

B. When a hazard is detected that has the potential to cause a collision but the threat is not imminent, the officer will utilize the Fay-Fix-It App for reporting.

C. Typical situations and timing of notifications are as follows:

1. Same-day notification

   a. Essential traffic lights/signs in need of repair.
   b. Large holes in the roadway.
   c. Electrical power lines down.
   d. Breaks in water, gas, or other utility lines.
   e. Large debris in roadway.
   f. Snow/ice on the roadway.
   g. Fire hazards needing immediate attention.
   h. Dead animals in the roadway.

2. Next-day notification

   a. Non-essential traffic lights/signs in need of repair.
   b. Small (non-hazardous) holes in the roadway.
   c. Street lights in need of repair.
   d. Telephone/video cables down but not creating a hazard.

e. Potential fire hazards not requiring immediate attention.
f. Excessive growth of weeds and grass.

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

9.3.0 OBJECTIVE

To establish guidelines for responding to various types of traffic collisions.

9.3.1 DETERMINING CONTROL AT THE SCENE

When more than one officer or Civilian Crash Investigator (CCI) is at the collision / emergency scene, appropriate procedures will be followed to determine who is in charge and to ensure that all required tasks are carried out.

1. The initial officer or CCI responding to the scene will administer emergency first aid and basic life support if needed.
2. The initial officer or CCI will assume command of the incident and will be responsible for briefing any other units that may arrive later. This will ensure that officers or CCIs receive information needed to safely perform duties relating to the incident, coordinate traffic flow around the scene, or stop all traffic moving through the area until the scene is judged safe by the appropriate agency.
3. The initial officer or CCI will remain in command of the incident until relieved by a supervisor. If assistance is required due to hazardous materials, downed power lines or a fire, command will be turned over to the agency responding to the situation.
4. When officers or CCI arrive at the scene of a collision where there is imminent danger, (i.e., downed electrical lines, HazMat spill, etc.), and personnel from another department or agency are already present, they will immediately make contact with the person/agency in charge of the incident.
5. Officers or CCIs will cooperate with officers of other law enforcement agencies from concurrent jurisdictions that are on the scene (i.e., CCSO, NCSHP). Fayetteville Police Officers or CCIs will work scenes where jurisdictional conflict arises until the conflict is resolved.

9.3.2 RESPONDING TO COLLISION SCENES

A. Officers or CCIs dispatched to collision scenes will be informed of the exact location, whether there is property damage, personal injury, traffic blocked, and other units assigned (including ambulance, wrecker and fire equipment), to the extent that this information is available.

B. Officers or CCIs should choose the best possible approach route, considering traffic flow and congestion problems, based on their knowledge of conditions normally existing in the area. Officers or CCIs should drive safely to the scene, consistent with departmental rules and regulations.

C. While enroute to the scene, officers or CCIs must be alert for vehicles that give an indication of involvement in the collision.

D. When approaching traffic collision scenes, officers or CCIs will:

1. Be alert for, and avoid obliterating or destroying evidence such as tire marks.
2. Be alert for specific conditions or factors that may have contributed to the collision, such as visibility/view obstructions, impairment, inoperative traffic control device, and hazards.

E. When arriving, officers or CCIs should park police vehicles in such a way as to provide maximum protection to the scene and property, but not endanger the public. Officers or CCIs should not jeopardize their patrol vehicles by placing them on the roadway or at other hazardous locations unless the terrain makes this necessary.

F. Officers or CCIs will assess the scene to determine the need for assistance in protecting the scene and / or controlling traffic, and will determine if additional special investigative skill is required. Officers /

employees will wear Traffic Safety Vests while conducting traffic investigations and traffic control duties.

9.3.3 UNREPORTED COLLISIONS

A. When encountering an unreported traffic collision, officers or CCIs will notify the Communications Center of the collision location, severity, injuries, and any other pertinent information.

B. Officers or CCIs will check out at the scene and render first aid if needed. They will remain at the scene until the reporting officer arrives or a supervisor relieves them.

9.3.4 PERSONAL INJURIES

A. Officers and CCIs will receive training annually in emergency medical care.

B. When injuries are detected, officers or CCIs will check to identify those persons most seriously injured and check for fatalities.

C. Officers and CCIs will administer appropriate emergency medical aid to injured persons. Officers and CCIs will not attempt to administer medical aid or treatment beyond their capabilities. Officers and CCIs will not permit incompetent volunteers to treat injured persons.

D. Officers and CCIs will summon appropriate medical assistance to the scene, and assist in getting persons seriously injured removed to medical facilities as soon as possible.

E. At collision scenes where there is personal injury or the imminent threat of injury, actions to deal with the injury/threat will take precedence over investigative or reporting activities.

F. In the event professional ambulance service is not available and will not be available for an extended period, and in the officer's or CCI's opinion the life of the injured person depends upon immediate professional medical assistance, the injured person may be transported in a Fayetteville Police Department vehicle with supervisory approval.

G. When injured persons are to be transported in Fayetteville Police Department vehicles, preliminary emergency medical aid should be administered at the scene. Additional police personnel should be summoned to the scene to assist in the emergency and in protecting the scene.

H. Officers and CCIs will be alert to pilferage and theft of collision victim's property. Officers and CCIs should try to handle the victim's property in the presence of a witness. When it is necessary to release the victim's property to another person (including a relative), officers and CCIs will get a receipt for the transfer of property. Otherwise, victim's property will be turned in to the Evidence Section.

9.3.5 PROTECTING THE SCENE AND CLEARING THE ROADWAY

A. Officers and CCIS will use the Fayetteville Police Department vehicle's emergency lights, flares, reflectors, barricades, traffic cones, and other appropriate warning devices, as available, to protect the scene and to alert approaching traffic. Scene protection, and warning to approaching vehicles are especially important if victims of the collision, their vehicles, or hazardous debris are in the roadway.

B. When possible, officers and CCIs should expedite removal from the roadway, vehicles involved in collisions to avoid unnecessary congestion or cause additional collisions. Officers or CCIs will instruct drivers to remove their vehicles immediately from the traffic lanes for property damage only collisions if the vehicle is capable of being moved under its own power.

C. Consistent with the need to preserve evidence, if the roadway is blocked by debris, and / or vehicles only, and if there are no injuries requiring immediate attention, officers or CCIs will clear the roadway as rapidly as possible.

D. To prevent congestion, and to permit emergency vehicles to move freely and safely, officers and CCIs will direct vehicles at the scene (emergency and otherwise) to be parked safely off the roadway as soon as practical.

E. Officers or CCIs will direct passersby (except witnesses) to leave the scene.

F. Officers and CCIs will be alert to actual and potential dangers at collision scenes, including but not limited to fire hazards (e.g., spilled gasoline and other flammable substances) and other hazardous materials. Officers or CCIs will initiate appropriate remedial / preventive actions in conformance with applicable emergency response guide books, and their hazardous material training when such actual or potential dangers are noted.

G. Officers and CCIs will conduct collision scene traffic direction and control activities to protect the scene, clear the roadway, promote the safe and efficient movement of traffic in the vicinity and prevent additional collisions. These activities will be in accordance to Operating Procedure 9.8: Traffic Direction and Control.

9.3.6 HAZARDS

A. Under certain circumstances, officers and CCIs may be required to perform certain special activities and to coordinate their activities with those of personnel from other agencies. Priorities for action are likely to be affected by the extent and nature of the hazards present at the traffic collision scene.

B. The department will be cognizant of the responsibilities, practices and procedures of other agencies that respond to and/or provide technical assistance relating to fire hazards and hazardous material incidents. Officers and CCIs will be kept informed of these responsibilities, practices and procedures to insure the best possible coordination and delivery of services at traffic collision scenes involving such hazards.

C. The department ensures that a copy of the U.S. Department of Transportation's Emergency Response Guidebook for hazardous material incidents is issued to each officer and CCI to be carried in their assigned Fayetteville Police Department vehicles. The department will provide adequate training in the use of the guidebook to each officer and CCI. Officers and CCIs will participate in the training and will refer to and follow the guidebook recommendations for taking emergency and other actions appropriate for specific hazardous material incidents.

D. Officers and CCIs will be cognizant of the fact that any traffic collision involving a cargo vehicle is potentially a hazardous material incident, and will be cautious and observant for any evidence/indication of hazardous material before approaching cargo vehicles involved in collisions.

E. Fire Hazards

1. If there is a potential fire hazard, officers or CCIs will take appropriate action to stabilize the conditions by providing adequate protection to the scene, isolating the immediate area, removing persons from the vicinity of the hazard, suppressing the hazard and when necessary, summoning technical resources from the Fire Department.
2. Officers or CCIs will attempt to eliminate the possibility of sparks or other ignition from smoke, flares, electricity or any other source.
3. If a fire exists and if it is possible, officers or CCIs will rescue persons in the vicinity of the fires, extinguish the fire and, when necessary, summon firefighting assistance.
4. Depending upon the extent of the fire, officers or CCIs will evacuate the surrounding area and maintain isolation of the area until the fire is suppressed.
5. Officers and CCIs should carefully control the movement of vehicles within the vicinity of the fire or potential fire hazard, if necessary, detouring traffic.

F. Hazardous Materials

1. Upon approaching the scene of a traffic collision involving a cargo vehicle, officers and CCIs will attempt to make a preliminary identification of the cargo on the basis of placards visible from a safe distance. The use of binoculars is recommended for identifying placards.
2. When there is any question whether or not spilled material at a collision scene is hazardous, officers will avoid physical contact with the material and keep other persons from contacting the material.
3. Officers and CCIs will follow the procedures specified in the Emergency Response Guidebook to complete the identification of hazardous materials, take appropriate emergency action, and notify necessary agencies.
4. If necessary, the officer or CCI will immediately call for the Fayetteville Fire Department HazMat team.

G. Down Power Line

When handling downed power line emergencies, the following guidelines will be followed:

1. Notify Communications to dispatch PWC as soon as an electrical hazard is discovered.
2. Avoid parking under overhead wires.
3. Only PWC personnel will cut any electrical wires.
4. Treat all wires as "live" high-voltage wires.
5. Establish a DANGER ZONE in all directions from the downed power wires. This zone should be as far away as feasible.
6. Traffic Control will be maintained with direction from the officer in charge of the collision scene.

9.3.7 CLEARING THE SCENE AND TERMINATING ACTIVITES

A. After dealing with injuries, actual or potential hazards, and obtaining and preserving evidence, officers and CCIs will arrange for the prompt and safe removal from the scene of all involved vehicles and debris.

B. When vehicles are to be driven from the scene (collision involved vehicles, emergency vehicles, or others), officers and CCIs will assist the drivers in safely entering the flow of traffic.

C. Once the scene has been cleared of vehicles and debris, officers and CCIs will arrange for the prompt removal, storage, (and proper disposal, if applicable) of all flares and other warning devices that may have been employed to protect the scene.

9.3.8 REFERENCES

U.S. Department of Transportation's Emergency Response Guidebook

O.P 9.8 Traffic Direction and Control

By Order Of: Anthony D. Kelly
Digitally Signed

9.4.0 OBJECTIVE

To establish procedures for the implementation of selective traffic enforcement.

9.4.1 PURPOSE

A. The department will use available data to assist in the direction of selective traffic enforcement activities. The purpose of these activities is to reduce the number and severity of vehicular collisions in the city. The goal of all traffic enforcement activities is to gain voluntary compliance to the traffic laws of the City and State.

B. The department will use available resources to analyze the causes and locations of vehicular collisions and will take selective enforcement action to attempt to address the problem.

9.4.2 TRAFFIC UNIT

A. Assignment and Responsibility

The responsibility of enforcing traffic laws and regulations is shared by all uniformed personnel. The degree and level of specialization within the Traffic Unit will vary from time to time depending upon the level of available resources and identified needs. Specific functions assigned to the Traffic Unit may be reassigned to the Patrol Districts.

The Traffic Unit will have primary responsibility for planning, analysis, inspection and coordination of department traffic enforcement and education efforts.

B. Functions

1. Technical collision investigation, to include investigation of all fatal collisions, collisions involving City of Fayetteville vehicles, hit-and-run collisions, and collision investigation follow-up reconstruction.
2. Review of collision reports and records.
3. Development and coordination of the department's selective enforcement program, to include specialized DWI, seat belt/child restraint, and speed enforcement efforts.
4. Operation of speed measuring devices (radar).
5. Specialized traffic congestion and parking control during peak traffic hours.
6. Traffic safety education and public information.
7. Liaison with local traffic and safety groups, DOT Engineers and City Traffic Engineers.

9.4.3 COMPILATION AND REVIEW

A. The Traffic Unit Supervisor will base selective enforcement activities on the following data:

1. A review of real time data of reported collisions. This review will include geographic and temporal factors such as:

   a) Month, day and hour
   b) Location

2. Documented monthly review of traffic enforcement activities.

B. Collision data can be found and extracted from reports entered into the department's Records Management and/or CAD System.

9.4.4 TECHNIQUES

A. Strategies and tactics used for selective traffic enforcement will be consistent with the nature of violations occurring and their potential for interfering with safe traffic flow.

One or more of the following types of traffic control may be used:

1. Line Patrol – patrol between two specific points on a given street.
2. Area Patrol – moving patrol within a defined area.
3. Directed Patrol – assignment of personnel to a specific location to address a specific enforcement issue.
4. Stationary Traffic Observation – visible stationary observation and / or concealed stationary observation.

B. Personnel may use countermeasures that would be effective for specific enforcement problems. These countermeasures may include the use of:

1. Marked police vehicles
2. Semi – marked police vehicles (no external light bars)
3. Unmarked police vehicles
4. Special vehicles
5. Speed Sentry radar speed displays

Qualified personnel may use radar during enforcement activities in either moving or stationary modes.

9.4.5 ASSIGNMENT AND DEPLOYMENT

A. Selective enforcement activities are performed in conjunction with routine patrol responsibilities. Selective enforcement activities will be based on a combination of factors that may include but are not limited to:

1. Review of traffic collision data.
2. Recommendations made by the NC DOT.
3. Citizen input and complaints.
4. Officer experience and observations.

B. Both Traffic Unit personnel and patrol officers may be assigned to selective enforcement activities. These assignments will be based on existing collision and/or violation problems.

C. Traffic Unit personnel who are not primarily assigned to investigate collisions will be assigned to selective enforcement activities.

D. Traffic Unit personnel who are primarily assigned to investigate collisions will conduct selective enforcement activities when not investigating collisions.

E. Officers, as part of their routine patrol will:

1. Observe and report traffic flow problems.
2. Look for improper driving behavior.
3. Be alert for hazardous environmental conditions.
4. Identify and act on emergency and other service needs.

9.4.6 EVALUATION

Selective enforcement activities will be evaluated annually in the Operations Support Division annual report. Quantifiable results will be studied by the Traffic Supervisor to establish the effectiveness of the program and direct changes where necessary. The report will include statistical data pertaining to

selective enforcement, an assessment of the effectiveness of the program and any recommendations for changes in the program.

9.4.7 SPEED MEASURING DEVICE

A. Officers will utilize radar in high or potentially high collision locations where speed is a factor, in areas where speed limit violations are prevalent, in response to citizen complaints concerning speeding motorists, and to conduct traffic volume and speed percentile studies.

B. Radar and/or other speed measuring devices will not be utilized without supervisor approval. All devices will be deployed with the safety of the officer in mind at all times.

C. All officers utilizing radar and/or other speed measuring devices must successfully complete the appropriate operator training program and receive certification prior to utilization.

D. Supervisor Responsibilities

1. All speed measuring device operators complete a course of instruction approved by the State of North Carolina and receive proper certification prior to engaging in speed enforcement activities.
2. Operators are periodically recertified to ensure their continued proficiency.
3. Radar and/or other speed measuring devices receive proper care and upkeep through inspections.
4. Adequate maintenance, testing, and calibration of speed measuring devices.
5. Maintenance, calibration, and operational record systems are maintained and are suitable for introduction as evidence in court.

E. Usage

1. The radar unit must be properly installed and connected to the appropriate power supply.
2. The effective range of the particular radar unit must be thoroughly understood by the operator so visual observations can support the speed meter readings.
3. The operator with direction from his supervisor must choose an appropriate location relative to traffic collision experience in which speed has been identified as a factor. The location will also be conducive to the effective and safe operation of radar.
4. The radar unit will be properly calibrated to insure accuracy in checking speed. Prior to use at each location, this calibration will be confirmed. The manufacturers recommended specific methods of checking calibration will be followed without exception.
5. A calibration check will be made upon arrival at the selected location or speed check, and subsequently before departure from any location or anytime the police vehicle is moved from one original point of calibration check. If operating at a location for an extended period, periodic checks will be made utilizing the manufacturer's recommended and approved methods.

F. Court Testimony

The following elements must be established in court:

1. The time, place, and location of the vehicle that was checked, the identity of the operator, the speed of the vehicle, and the visual and radar speed check.
2. The officer's qualifications and training.
3. The proper operation of the radar.
4. The unit was tested for accuracy prior to use and after use by an approved method.
5. The identity of the vehicle and the visual independent observation of its apparent speed.

By Order Of: Anthony D. Kelly
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **9.5**
	Subject **TRAFFIC LAW ENFORCEMENT**	**Effective Date** 8 April 2024
	Revised 11-22-93, 03-27-98, 02-25-02, 6-24-02, 01-24-05, 05-08-12, 05-18-11, 11-10-14, 12-08-15	**Page** 1 of 6
	CALEA Standard 61.1.2, 61.1.5, 61.1.7, 61.1.9, 61.1.11, 82.2.2	

9.5.0 OBJECTIVE

To establish guidelines to ensure that traffic enforcement actions are conducted in accordance with applicable statutes and ordinances.

9.5.1 GOALS

A. The enforcement of traffic statutes and ordinances is a basic responsibility of this department. Uniform enforcement procedures support our ultimate goal of traffic law enforcement to achieve voluntary compliance with the traffic laws by all motorists and pedestrians.

B. Traffic laws are enforced to minimize the danger of injury to life and property and to decrease or eliminate violations by educating violators and imposing sanctions upon them.

9.5.2 DEFINITIONS

A. Investigative Stop – An investigative stop involves the stopping of either a vehicle or a person. Reasonable suspicion is the necessary standard for investigative stops based on a reasonable suspicion that the person committed, is committing, or is about to commit a crime. The stop must be brief, and the officers must pursue an investigation in a diligent and reasonable manner to confirm or dispel their suspicions quickly.

B. Traffic Law - A provision of the Motor Vehicle Code or Ordinance that regulates use of the roadway, or operation or maintenance of any vehicle, (including bicycles), or which provides for the safety or conduct of pedestrians.

C. Traffic Stop – A traffic stop involves the stopping of a motor vehicle as a result of a Chapter 20, Motor vehicle traffic violation.

D. Warning - An action taken by an officer who has stopped a violator of a traffic law for the purpose of informing the violator of the violation and counseling the violator so that the violation is not repeated. A Fayetteville Police Department Warning Ticket will be issued and a copy maintained on file.

E. Citation – In accordance with NCGS 15A-302 a citation is a directive, issued by a law enforcement officer or other person authorized by statute, that a person appear in court and answer a misdemeanor or infraction charge or charges.

9.5.3 VEHICLE STOPS

A. Under the following conditions, an officer may stop a vehicle:

B. The officer has reasonable suspicion that the vehicle, its driver or occupant has violated a traffic law pursuant to N.C.G.S. Chapter 20, Article 3 of the Motor Vehicle Act.

C. The officer has a reasonable suspicion that the vehicle, its driver and or occupant has committed, is committing, or is about to commit a crime.

D. Reasonable suspicion should be based upon the following or similar indicators:

1. Location
2. Registration of vehicle
3. The officer's knowledge of crimes recently committed and proximity to location

4. Descriptions of wanted persons
5. Unusual activity in the vehicle
6. Officer's observation of conduct
7. Information the officer receives from other officers, citizens, or informants
8. Officer's knowledge of the suspect's prior criminal record and activities, if they are relevant to the crime the suspect may be committing
9. The suspect's flight from the scene of a crime

E. Under no circumstances, may a traffic stop be used solely to harass the persons in the vehicle. An officer making a traffic stop for investigative purposes must be prepared to articulate his/her actions according to the criteria established in the Written Directive 1.8 entitled Fair and Impartial Policing. Nervousness alone is not a sufficient factor for reasonable suspicion. Stops based on the suspect's prior criminal history alone, or high crime area alone, are not permitted.

9.5.4 ENFORCEMENT ACTION

A. The role of the officer is to observe, detect and prevent violations of traffic laws and to take enforcement action when appropriate. Individual officer discretion will be employed and based upon: professional judgment, general orders, operating procedures, training, experience, North Carolina General Statutes and City of Fayetteville Ordinances.

B. All officers will take appropriate enforcement action for each violation of the law witnessed by or reported to them. In accordance with W.D. 1.8 Fair and Impartial Policing, "appropriate enforcement action should always be completed and documented generally in the form of a written warning, citation, filed interview card or an arrest". All enforcement actions will be accomplished in a firm, fair, impartial and courteous manner using one of the following methods:

1. Written Warning – With the exception of investigative stops, officers will issue a written warning when they reasonably determine a citation is not warranted.

2. State Citation - Traffic citations may be issued to violators who seriously jeopardize the safe and efficient flow of vehicular / pedestrian traffic, to include hazardous moving violations, parking violations and any other violations of local and state laws. Examples of hazardous violations include but are not limited to: Driving While License Revoke (DWLR), No Operators License (NOL), Red Light Violations, Careless and Reckless Driving, Excessive Speeding, and No Insurance.

   Nonresidents with proper identification from states that have entered into a reciprocal agreement with the State of North Carolina will be issued traffic citations the same as instate residents. Residents of states that **do not** have an agreement may be arrested and taken before a magistrate for the purpose of posting bond.

3. Physical Arrest - Officers may physically arrest traffic violators for misdemeanor and/or felony traffic offenses.

C. An officer may take some action when the violation is non-hazardous. Such violations are normally of a law which is enacted primarily for some purpose other than the safety of persons or property.

This section is intended to set the basic parameters for the officer's decision.

1. Must Cite Violations

   a) Hazardous Violations:

      1. If the violation by its nature creates a clear immediate hazard to a person and/or results in excessive property damage; and,
      2. If there are no mitigating factors which would redeem the violators actions; and,

3. If the violation is based on facts of evidence which will support the charge in a court of law.
4. Refer to State Citation under letter B of this section for hazardous violations.

b) Traffic collisions: (any one of or a combination of all)

1. Collision results in injuries to any party, or
2. Collision results in extensive property damage, or
3. Results of the investigation reveal gross negligence on the part of the violator, or
4. There are no mitigating factors which would redeem the violator's action, and
5. The violation is based on facts of evidence that will support the charge in a court of law.

9.5.5 VIOLATOR CONTACT

Taking appropriate enforcement action and favorably altering the violator's driving behavior are two main objectives of traffic law enforcement. To minimize conflict between the officer and the violator the officer **will**:

1. Present a professional image in dress, grooming, language, bearing and emotional stability.
2. **Greet the violator with your appropriate title, name and in a courteous manner.**
3. **Inform the driver of the traffic law they have violated and the reason for the traffic stop. Discussing the violation with the driver is acceptable, but if the violator becomes angry or unreasonable, all discussion should be saved for the court appearance.**
4. **Ask for the violator's license, vehicle registration if needed or any other type of identification if the driver does not have any identification.**
5. The violator and any occupants of the vehicle should remain seated in the vehicle. Routine traffic violators should not be placed in a patrol vehicle. When appropriate for officer safety, any violator may be secured in the back seat of a patrol vehicle. Officers must use common sense when distinguishing between a routine or non-routine traffic stop. An individual is not under arrest simply because they have been placed in a patrol vehicle or handcuffs.
6. After completing the necessary forms for enforcement action, the officer should explain the action taken and the violator's responsibilities, return the violator's driver's license or any other documents belonging to the violator and provide a copy of the enforcement action.
7. Assist the violator in safely re-entering traffic and avoid following the violator if possible.

9.5.6 VIOLATOR ASSISTANCE

A. For those traffic violations that preclude a driver from further operating their vehicle (NOL, DWLR, Ins. Stop, etc.) officers will provide assistance to the violator/occupants for their personal safety and security of the vehicle and contents by one or more of the following:

1. Arresting the driver and towing/storing the vehicle
2. Providing transportation assistance to the driver and occupants either by taxi, assistance with calling a ride, or in a marked patrol unit (beginning and ending mileage for transports).
3. Officers may provide the option for the driver to leave the vehicle parked but must obtain a signed waiver of liability from the driver or owner.

9.5.7 REQUEST FOR RE-EXAMINATION

A. Routine enforcement, collision reporting and investigation activities frequently lead to the discovery of drivers who have suspected incompetency, physical or mental disability, disease, or other conditions that might prevent the motorist from exercising reasonable and ordinary care over a motor vehicle.

B. Officers who identify a motorist who appears to be characterized by any of the conditions listed above, can request that a notification be made to the Department of Motor Vehicles for re-examination of said motorist pursuant to NCGS 20-29.1.

C. The officer will complete Form #POL-592.

1. The physical condition must be described in specific detail.
2. The summary portion must be written in such detail that reasonable grounds for the re-examination are conclusively established.
3. The form must be signed by the initiating officer and reviewed and signed by the immediate supervisor and District / Division Commander.

9.5.8 SPECIAL PROCESSING REQUIREMENTS

A. Juveniles. No person under the age of sixteen (16) years of age will be issued a traffic citation. If a person under the age of sixteen (16) is involved in a collision, he/she may be identified in a collision report filed pursuant to NCGS 20-166.1(e). Identity may be released as a public record through the collision report. The investigating officer will complete a collision report, incident report, and follow-up explaining exactly what happened. The investigating officer will contact the parents of the juvenile to have the juvenile picked up. The investigating officer may drive the juvenile to his/her residence. The investigating officer will advise the parents that a juvenile investigator will follow-up on the case. Notification of parents will be in accordance with NCGS 15A-505.

B. Legislators. There are no special exceptions in the law for legislators who have violated traffic laws.

C. Foreign Diplomats and Consular Officials are immune from all felony and misdemeanor traffic arrests. If an officer stops a violator and the violator claims diplomatic immunity, the officer must immediately contact a supervisor. If the supervisor has questions as to the violator's immune status, the supervisor will then contact the State Department, (202-647-1512 or 202-647-4415) Washington, DC, for confirmation / denial.

D. In cases of Driving While Impaired involving Foreign Diplomats and Consular Officials the following is suggested:

1. Issue a citation and complete an Incident Report.
2. Take them to the station or a location where they can recover sufficiently to operate a motor vehicle safely and within the guidelines of the North Carolina DWI Statutes.
3. Allow them to call a relative or a friend to come for them.
4. Call a taxi for them.
5. If reasonable, take them to their residence.

E. Military Personnel are to be treated with the same consideration as any other violator.

F. Public Carrier/Commercial Vehicle Violations. Fayetteville Police Officers are ultimately responsible for enforcing taxi cab / limousine violations (City Code Chapter 28), and all traffic laws governing commercial vehicles except weight regulations. Officers may request assistance from the Department of Motor Vehicles, Weights and Measures Division when appropriate.

G. Multiple Violations. Officers have discretion to consider multiple violations individually.

H. Newly Enacted Laws and/or Regulations. The Police Department will enforce new laws on their effective dates.

9.5.9 DATA COLLECTION -TRAFFIC STOPS

A. For **traffic stops**, the stopping officer shall accurately record all information required by NCGS 143B-903 using the Racial Profiling Module in RMS or MFR.

B. The information required by this section need not be collected in connection with impaired driving checks under NCGS 20-163.3A or other types of roadblocks, vehicle checks or checkpoints that are consistent with the laws of this State and with State and Federal Constitutions. Exceptions to this include those checkpoint stops that result in a warning, search, seizure, arrest, physical resistance or use of force.

C. Officers are responsible for accurately completing all information in RMS. Failure to submit accurate and complete information will be addressed as a performance issue.

D. When paper forms are used they shall be maintained by the police department for a period of three (3) years and be available for public review during regular business hours consistent with statutory requirements for disclosure of information on the forms. Handwritten reports will be used "only" in the event the system is offline or the officer making the stop does not have access to MFR. The handwritten Traffic Stop Report will be turned in to a supervisor and submitted through distribution for Central Records Unit to enter into the Records Management System.

E. Officers will document the "location of stop" in the racial profiling module under the stop tab.

F. Officers will document the type of search by going to the search tab on the racial profiling module. The officer will select one of the search types that applies to the search (consent yes or no, probable cause, search incident to arrest, protective frisk, or search warrant). The officer then will document the search by utilizing the pick list in the "consent by" field. If a search is not completed the officer will document it by selecting from the pick list COND (Did not ask for consent).

G. Officers will document the "reason consent requested" by utilizing the pick list from that field. The reason consent requested will have the following option "traffic stop".

H. The officer must complete the sections indicating whether any items or property were seized as a result of the search.

9.5.10 DATA COLLECTION - INVESTIGATIVE STOPS

A. NCGS 143B-903 requires that a Traffic Stop Report Form be completed for an investigative stop.

B. Using MFR officers will document Investigative Stops the same way as a Traffic Stop. The reason for the stop will be "Investigative". All other entries are the same as entering a TSR for a Traffic Stop, however, if no action is taken then the officer must enter detailed notes into CAD as to why no action was taken.

C. An entry in the TSR is required to identify the type of search (Consent yes or no, probable cause, search incident to arrest, protective frisk or search warrant). The officer must select the Basis for Search and if any occupants or vehicle was searched.

D. If a consent search is requested, officers will document whether the consent search was permitted or declined by the person in control of the vehicle. If consent was given, officers must document in the field for "Factor of Reasonable Suspicion" to identify the specific factor(s). Nervousness alone is not sufficient as the only factor. If multiple factors exist those should be documented in the "NOTES" field.

E. The officer must complete the sections indicating whether any items or property were seized as a result of the search.

9.5.11 REFERENCES

WD 1.8	Fair and Impartial Policing
OP 3.10	Stopping and Approaching the Traffic Violator and Known Risk Traffic Stops
N.C.G.S. 143B-903	Collection of traffic law enforcement statistics
N.C.G.S. 15A-302	Citation

By Order Of: Kemberle Braden, Chief of Police
Digitally Signed

9.6.0 OBJECTIVE

To establish guidelines for implementing Driver's License/Informational Checkpoints.

9.6.1 DRIVER'S LICENSE CHECKPOINT COMMANDER

A. A Checkpoint Commander, holding the rank of Sergeant or above will coordinate planning prior to conducting a Driver's License Checkpoint. The Checkpoint Commander will ensure that the checkpoint is carried out in accordance with NCGS 20-16.3a.

B. The Checkpoint Commander is responsible for selecting the location, time and date of the checkpoint. The Commander will develop a systematic plan that takes into account the likelihood of detecting impaired drivers, traffic conditions, number of vehicles to be stopped, the convenience of the motoring public, and pattern for stopping vehicles with contingence provisions for altering the pattern. When establishing the location, the Checkpoint Commander must consider:

1. Safety of the officers involved
2. Availability of escape roads
3. An area to move violators

C. Upon completion of the checkpoint, the Checkpoint Commander must ensure that POL-604, Driver's License Checkpoint Plan is completed and submitted to the District Commander for evaluation and approval. An email detailing the charges and arrests shall be forwarded through the Commanders Chain of Command and attached to the checkpoint form.

9.6.2 PERSONNEL AND EQUIPMENT

Driver's License Checkpoints must be staffed by a minimum of two officers. Checkpoint warning signs and equipment will be deployed in accordance with NCGS 20-16.3a.

9.6.3 OPERATION

A. According to the Checkpoint Plan's vehicle stopping pattern, vehicles that approach the License Checkpoint will be stopped, and drivers will be asked to produce a driver's license and vehicle registration.

B. When an officer is going to cite the operator, the operator will be instructed to pull over to the area designated for issuance of citations. Any officer intending to take any type of enforcement action will operate their body worn camera in accordance with O.P. 3.24 Body Worn Camera.

C. When the volume of traffic approaching the checkpoint is of such volume that the vehicle stopping pattern would create an unreasonable delay, the Checkpoint Commander will do one of the following:

1. Instruct the officers conducting the checkpoint to direct the vehicles through to reduce the waiting time; **or**
2. Change the stopping sequence; **or**
3. Direct the checkpoint to be shut down.

D. If the Checkpoint Commander deviates from the original stopping sequence, he/she will note the reason for the change, the length of time of the change, and the time resumed or time shut down in the "Comments" section of Drivers' License Checkpoint Plan, POL-604. Unless otherwise ordered, the duration of the License Checkpoint is at the discretion of the Checkpoint Commander.

9.6.4 INFORMATIONAL CHECKPOINTS

Informational checkpoints are only authorized when officers are seeking information from the public on a specific crime that just recently occurred, involving specific information (suspect description, vehicle description, etc). Informational checkpoints will be documented as a directed patrol detailing the information gathered.

By Order Of: Gina V. Hawkins
Digitally Signed

9.7.0 OBJECTIVE

To establish guidelines for Driving While Impaired (DWI) enforcement, countermeasures and checkpoints.

9.7.1 DEFINITIONS

DWI – Violation of N.C. Gen. Stat. §§ 20-138.1, 20-138.2, 20-138.2A 20-138.2B, or 20-138.3.

DWI File – The written record of a DWI investigation and arrest, and includes, but is not limited to, all items set out below in Section 9.7.5.

9.7.2 COUNTERMEASURES

A. A comprehensive countermeasure program involving education, enforcement, adjudication, treatment and public support is essential to achieve long-term success combating DWI drivers. Public safety is a key element in the DWI countermeasures program.

B. Officers must be alert for signs of alcohol or drug impairment in all contacts with motorists. Officers will determine a course of action based on level of impairment. Chemical test(s) will be offered in accordance with state and departmental requirements.

9.7.3 TRAINING

The following training procedures may be adjusted to meet departmental, legal and manpower requirements.

1. All officers will complete Standardized Field Sobriety Testing (SFST) training and receive appropriate in-service refresher training.
2. All officers conducting preliminary or evidential chemical tests will be certified by the Department of Health and Human Services.
3. Alco Sensor

    a) Use of Alco Sensors is prohibited unless certified through the Department of Health and Human Services. Training will be provided by a certified instructor.
    b) Only Alco Sensors that are authorized by the North Carolina Department of Health & Human Services may be used by department employees.

9.7.3 ENFORCEMENT ACTION

A. Detection is the first step in any DWI enforcement action. Observations in this stage are crucial in establishing levels of impairment. Officers must perform the following tasks:

1. Recognize and identify specific driving behaviors that may indicate impairment by alcohol or drugs.
2. Recognize and identify specific driving or other behaviors occurring during vehicle stops that provide additional evidence that the driver may be impaired.
3. Note all observations that indicate the driver may be impaired.
4. Exercise due care and caution in pursuing impaired drivers and be alert for unusual or inappropriate reactions from the driver.
5. Pursuits will be conducted in accordance with the Written Directive 4.02 – Vehicle Operations and Pursuits.
6. Notify communications of location, registration, vehicle description, and number of occupants.
7. Summon assistance if necessary.

8. Once the vehicle has stopped, approach the vehicle with minimal delay and, if the driver is impaired, do not allow the driver to move the vehicle.
9. Obtain driver's license and other appropriate documents.
10. Interview the driver and passengers. Be alert for evidence of other crimes such as drug violations, larceny, etc.
11. Recognize and identify specific characteristics, attitudes and actions commonly exhibited by impaired drivers during face-to-face contact.
12. Request the driver to exit the vehicle for further investigation.
13. If the vehicle was not observed in motion, determine if probable cause exists to charge the driver with actual operation of the vehicle.
14. Administer the appropriate Standardized Field Sobriety Test to establish the level of impairment.
15. The Standardized Field Sobriety Test should be conducted in a safe location, taking into account traffic and roadway conditions.
16. Officers will activate their body worn cameras in accordance with Operating Procedure 3.24 Body Worn Camera. If the camera is activated, officers should state, clearly enough for the camera to record, all observations the officer is making regarding the indicators of impairment. Officers should only do this if, in the officer's judgment, doing so will not compromise the DWI investigation.

B. If there is reasonable belief to support the elements of impairment:

1. The officer should tell the operator that he or she believes the operator may be unable to safely operate a motor vehicle due to consumption of an impairing substance.
2. Levels of impairment will be determined by:

    a) The operator's driving and level of danger to themselves or the public.
    b) Officer's evaluation of performance on SFST.
    c) Any of the factors which mitigate the seriousness of the impairment, i.e., prescription medication, fatigue, etc.

C. Based on the determined level of impairment, officers have the options of:

1. Securing a subject's vehicle off the roadway (with an operator's waiver) and arranging for transportation to a residence. A warning citation will be issued.
2. Arrest the operator for Driving While Impaired.

D. If the level of impairment is such that it **grossly affects the public safety, involves a motor vehicle collision, or the subject refuses alternative means**, then an arrest should be effected.

E. Upon making a DWI arrest, the officer will:

1. Secure the vehicle and property. The officer may assist any passengers in leaving the area.
2. Obtain an OCA number from dispatch for the DWI case and record that number on any citations or other charging documents ultimately turned in to the court.
3. Transport the subject to the Cumberland County Detention Center (CCDC) for evidentiary testing and processing. If the subject refuses to submit to the evidentiary chemical test, complete appropriate forms to invoke the implied consent sanction.
4. Obtain a search warrant for the suspect's blood if appropriate to do so.
5. Complete required departmental forms including but not limited to:

    a) Citation
    b) Arrest Report
    c) Intoximeter Affidavit
    d) Intoximeter Rights / Results Card
    e) DWIR Form
    f) CIR (page 1 and page 2 with optional narrative)
    g) Traffic Stop Report

6. Document all evidence gathered during the investigation and indicate the results of all standardized field sobriety and/or chemical tests administered.
5. Prepare detailed notes for testifying in court.
6. Check subject's driving record.
7. Take the subject before a magistrate.
8. Forward citation, reports and supporting documents to the appropriate supervisor for review and transmittal to appropriate sections.
9. Complete and mail a DL-49 Form to obtain a copy of the suspect's certified driving record from Department of Motor Vehicle (DMV), including copies of all suspension orders (Master Check). The form should direct the driving history to be submitted directly to the District Attorney's office. Officers shall keep a copy of the completed DL-49 Form to include in his or her DWI File.
10. Have all documents created or completed (including office's notes and DWI File) during the DWI investigation and arrest laserfisched under the OCA number for the DWI.

9.7.4 DWI CHECKPOINTS

A. Agency Coordinator

1. An Agency Coordinator will be appointed by the Campbellton Division Commander to coordinate planning both within the department and with outside agencies prior to conducting a DWI Sobriety Checkpoint. The Agency Coordinator must be a Sergeant or above with the Fayetteville Police Department. The Agency Coordinator is responsible for selecting the location, time and date of the checkpoint.
2. A checkpoint plan will be devised in accordance with N.C.G.S. 20-16.3A. The plan will be submitted through the chain of command to the Campbellton Division Commander.
3. The Agency Coordinator will complete and forward the DWI Sobriety Checkpoint Form through the Chain of Command to the Campbellton Division Commander. Upon completion of the operation, a copy will also be forwarded to the Court Liaison Office.
4. The Agency Coordinator will assign an adequate number of personnel to the checkpoint to ensure that citizens are not unduly delayed in their travels and an adequate number of officers are available for safety, detection, transport and analysis of suspected DWI drivers.
5. A Public Service Announcement regarding the time, date and location of the checkpoint will be issued to the local media through the Internal Affairs Unit.
6. Sector Lieutenants are responsible for working with the agency coordinator for pre-planned DWI checkpoints within their sector when checkpoint locations are identified and staffing can be scheduled.

B. Checkpoint Supervisor Responsibilities

1. The Checkpoint Supervisor will hold the rank of Sergeant or above and will remain at the checkpoint site through the duration of the checkpoint.
2. The Checkpoint Supervisor will ensure that checkpoint signs and equipment are deployed in accordance with NCGS 20-16.3A.
3. The Checkpoint Supervisor will pre-determine a non-discriminatory stopping sequence at the checkpoint site. The Checkpoint Supervisor has the authority to change the designated stopping sequence at any time during the checkpoint when conditions change. The Checkpoint Supervisor will take into consideration:

    a) Number of available personnel.
    b) Traffic conditions.
    c) Checkpoint location.
    d) Available space for the number of vehicles passing through the checkpoint.

4. The Checkpoint Supervisor will complete the After Action Report and submit that report to the Agency Coordinator. The report will include the following:

    a) Any reasons for change in the non-discriminatory stopping sequence.
    b) Statistical information as to the effectiveness of the DWI Checkpoint.

C. Checkpoint Instruction / Training

Officers assigned to the DWI Checkpoint will receive training or instructions from the Checkpoint Supervisor prior to assignment. The training and/or instructions will cover the following:

1. Public Relations - Officers will greet the driver being stopped and explain that the reason for the stop is to detect and prevent persons from driving while impaired.
2. Alcohol Detection Techniques.
3. Field Sobriety Testing.
4. Completing the DWI Checkpoint Worksheet.
5. Request for operator's license and vehicle registration - checkpoint personnel will use the "Divided Attention Test".
5. Upon requesting the driver's license and vehicle registration, the officer will engage the driver in conversation as to their destination, origination, whether he/she had been drinking and any other information necessary to define impairment.
6. DWI Investigative Clues.

D. Checkpoint Enforcement

If a level of impairment is not detected, the operator should be thanked for his/her assistance and allowed to pass. If a level of impairment is detected, the officer will:

1. Ask the driver to exit the vehicle and perform the structured tests as indicated on the DWI Report Form.
2. Have the vehicle removed from the roadway and parked in the designated parking area.
3. Ask the operator to perform the Standard Field Sobriety Test and record the results on the DWI Report Form.
4. Based on the level of impairment take the appropriate enforcement action.

9.7.5 DWI FILE CONTENTS

Each time an officer makes an arrest for a DWI, he or she shall create and maintain a folder, which shall be a complete record of the investigation. The contents of this folder shall be the DWI File. The DWI File shall contain all documents created or completed as a result of the DWI arrest or investigation, including but not limited to:

1. Copy of the citation (with OCA number clearly written on it)
2. CIR (page 1 and 2 with optional narrative)
3. Affidavit and Revocation Report
4. A copy of each Intoximeter Test Result Ticket (if any were generated)
5. Completed Rights of Person Requested to Submit to Chemical Analysis Form (DHHS 4081 Form)
6. Copy of Completed DWIR Form (DHHS Form 4064)
7. Copy of the DMV-349 (if generated)
8. Copy of completed and mailed DL-49 Form, directing the certified driving record (Master Check) be sent to the District Attorney.
9. Copy of any checkpoint plan, if the driver was stopped because of a checkpoint.
10. Any notes made by the officer about the investigation or arrest. Officers shall include in their notes whether or not their body worn camera was activated at any time during the investigation or arrest, so the District Attorney will be notified to retrieve that video from evidence.com.

9.7.6 SUBMITTING DWI FILES AND RECORDS TO THE DISTRICT ATTORNEY

A. N.C. Gen. Stat. § 20-38.6 requires all motions to suppress evidence in DWI cases to be made pretrial unless defense counsel discovers facts not known during the trial. To ensure that defense counsel knows all the facts about a DWI case (and are therefore required to make all motions to suppress evidence pretrial), the following shall be submitted to the District Attorney in each DWI case.

1. A complete copy of the DWI File as described in Section 9.7.5.

    a) Absent extraordinary circumstances beyond the control of the officer, the DWI File should be prepared and submitted the District Attorney within two weeks of the arrest.

2. A copy of any in-car camera video made as a result of the stop.

    a) Requests for production of a video disc should be made as early as possible after the DWI arrest.
    b) When requesting the video, the officer should request two copies of the video be made. The officer shall keep one and place it in his or her DWI File folder. He or she shall turn the copy in to the DA Liaison.
    c) Turning in the DWI File to the DA's office should not be delayed while waiting for the in-car camera video to be ready. The video should be turned in when it is ready.

B. When turning the DWI File copy into the District Attorney's office, the officer shall obtain the signature of the staff person at the DA's office who received the file from the officer, on a POL - 201 form.

9.7.7 REFERENCES

Written Directive 4.2	Vehicle Operations and Pursuits
Operating Procedure: 9.5	Traffic Law Enforcement
Operating Procedure 3.24	Body Worn Cameras
N.C. Gen. Stat. § 20-38.6	Motions and District Court Procedure
N.C. Gen. Stat. § 20-16.3A	Checking Stations and Roadblocks

By Order Of: Anthony D. Kelly
Digitally Signed

9.8.0 OBJECTIVE

To establish guidelines for manual traffic direction and control.

9.8.1 SAFETY

The goal of manual traffic direction and control is to restore and maintain the safe and efficient movement of vehicular and pedestrian traffic. Personnel will at all times give due consideration to their own safety while carrying out manual traffic direction and control. Personnel will employ standard signals and gestures. Any personnel directing traffic, on the roadway controlling traffic and/or conducting collision investigations, will wear issued reflective clothing at all times.

9.8.2 POSITIONING

Personnel carrying out manual traffic direction and control will ensure that their presence and purpose are obvious to drivers and pedestrians, by:

1. Positioning in the roadway to be clearly seen by all, usually in the center of an intersection or street;
2. Standing straight with weight equally distributed on both feet;
3. Allowing hands and arms to hang easily at the sides, except when gesturing; and
4. Standing facing or with back to stopped traffic, and with the side toward traffic being directed to move.

9.8.3 SIGNALS AND COMMANDS

A. To stop traffic the officer will:

1. Extend their arm and index finger toward and look directly at the person to be stopped until that person is aware or it can be reasonably assumed that they are aware of the officer's gesture.
2. Raise the pointing hand at the wrist so that the palm is facing the person to be stopped; the palm is held in this position until the person is observed to stop.
3. To stop traffic from both directions on a two-way street the procedure is then repeated for traffic coming from the other direction while continuing to maintain the raised arm and palm toward the traffic previously stopped.

B. To start traffic the officer will:

1. Stand with shoulder and side toward and look directly at the person to be started until that person is aware or it can be reasonably assumed that they are aware of the officer's gesture.
2. With palm up, swing the pointing arm from the elbow, only, through a vertical semi-circle until the hand is adjacent to the chin. If necessary, this gesture is repeated until traffic begins to move.
3. To start traffic from both directions on a two-way street, the procedure is then repeated for traffic coming from the other direction.

C. Drivers turning right usually turn without the necessity of being directed by the officer. When directing a right turn the officer should proceed as follows:

1. If the driver is approaching from the officer's right side, their extended right arm and index finger and gaze are first directed toward the driver, followed by swinging the extended arm and index finger in the direction of the driver's intended turn.
2. If the driver is approaching from the officer's left side, either the same procedure may be followed utilizing the left arm extended or the extended left forearm may be raised to a vertical position from the elbow while closing the fingers so that the remaining extended thumb points in the direction of the driver's intended turn.

3. Drivers turning left should not be directed to move while the officer is also directing oncoming traffic to proceed. The officer should either direct opposing vehicles to start while avoiding left turn gestures directed at turning drivers, which will lead them to complete their turn only when there is a gap in the oncoming traffic, or stop oncoming drivers, after which the left turning driver can be directed in to his/her turn.

    a) The officer's right side and arm should be toward the oncoming traffic, and the left side and arm should be toward the left turning driver.
    b) After stopping oncoming traffic by using the right arm and hand, the right hand should remain in the halt gesture, then the extended left arm and index finger and officer's gaze is directed toward the driver who intends to effect a left turn.
    c) When the left turning driver's attention has been gained, the extended left arm and index finger are swung to point in the direction the driver intends to go.

9.8.4 SIGNALING AIDS

A. Whistles

The whistle is used to gain the attention of drivers and pedestrians. One long blast is used to STOP, two short blasts to GO and several short blasts to gain the attention of drivers or pedestrians not initially responding.

B. Voice

The voice is seldom used in directing traffic. Arm gestures and the whistle are usually sufficient. There are numerous reasons why verbal commands are not used. Verbal orders are not easy to give or understand and often lead to misinterpretations that are dangerous. A shouted order can antagonize the motorist. 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.

C. Baton

1. Using baton to command a stop: Face the oncoming traffic, hold the baton in the right hand, bend the right elbow, hold the baton vertically, swing the baton from left to right through an arc of approximately 45 degrees.
2. Using baton to command go or left turn: Use the same gestures previously described in the section on Signals and Commands. However, the baton should be used as an extension of the hand and index finger.
3. Signals and directions given with the aid of the baton should be exaggerated and need to be repeated in poor visibility conditions. The baton's light should be turned off when it is not being actively utilized to give directions.

D. Flashlight

To stop traffic slowly using a flashlight, swing the beam of the light across the path of oncoming traffic. The beam from the flashlight strikes the pavement as an elongated spot of light. After the driver has stopped arm signals may be given in the usual manner, with the vehicle's headlights providing illumination.

9.8.5 TEMPORARY TRAFFIC CONTROL DEVICES

A. Temporary traffic control devices include movable barriers, school zone signs, portable signs and other apparatus intended for temporary deployment to assist the safe and efficient movement and control of vehicular and pedestrian traffic. Temporary traffic control devices may be deployed in support of traffic direction and control activities only with the specific prior approval of supervisory or command personnel based on the traffic situation.

B. As soon as practical following termination of the need for the temporary traffic control device, the supervisor or commander authorizing deployment of the device(s) will see to its removal or deactivation.

C. Portable or part-time stop signs should not be used as temporary traffic control devices, except in conjunction with DWI Sobriety Checkpoints or emergencies as deemed necessary by supervisory or command personnel.

9.8.6 ROADBLOCKS

Roadblocks for the purpose of stopping a pursued vehicle are prohibited. The only roadblock allowed is in accordance with the department's DWI Sobriety Checkpoint procedures. Each Checkpoint roadblock must have prior approval of the appropriate District/Division Commander.

9.8.7 TRAFFIC DIRECTION AND CONTROL AT FIRE SCENES

A. The department will maintain a close working relationship with the fire departments and emergency services organizations serving the community and will cooperate with them in developing and implementing plans and procedures for providing traffic direction and control support to fire-ground operations.

B. Department personnel engaged in traffic direction and control services at fire scenes will maintain access to and egress from the scene for fire and other emergency vehicles.

C. The department will work with the Fire Department and other emergency services agencies to develop specific protocols to ensure that private and other non-essential vehicles used by their personnel to reach the scene do not block access to or egress from the scene by fire and other emergency vehicles.

9.8.8 TRAFFIC DIRECTION AND CONTROL DURING ADVERSE WEATHER AND ROAD CONDITIONS

A. Adverse road and weather conditions may include, but are not necessarily limited to:

1. Accidental hazards, such as debris that has fallen onto the roadway from another vehicle, downed power lines.
2. Fog, ice on the road, snow, rain, and wind.
3. Engineering hazards, such as an exposed guardrail end or other object that might cause unnecessary additional damage or injury should a vehicle, impact with such object upon leaving the road.

B. The department will maintain a close working relationship with other agencies and departments that share responsibilities for dealing with adverse road and weather conditions affecting traffic safety, and will cooperate with them in developing and carrying out mutual assistance policies, procedures and programs to serve our citizens as effectively as possible when such adverse conditions exist.

C. During times of adverse road or weather conditions, department personnel will notify appropriate agencies to correct any situations that may arise. Tele-communicators will be immediately notified and are responsible for further notification. Supervisors will ensure traffic direction and control services and scene protection services are adequate in the vicinity for adverse road and weather conditions.

9.8.9 MANUAL SIGNAL OPERATION

A. Officers observing a malfunction or unsafe condition at a traffic signal will notify Communications.

B. The supervisor will determine if the intersection should be placed on flash and if so, implement the flashing operation at the police panel. Communications must be notified if this occurs.

C. If the supervisor determines that a police officer must remain at the location to direct traffic until the malfunction is corrected, Communications will be requested to call Traffic Services Standby to make necessary repairs immediately.

D. If the supervisor determines that the intersection can safely remain in flashing operation until 0700 hours the following morning without traffic control by a police officer, Communications will hold the call until 0700 hours the following morning and notify Traffic Services at that time to make repairs.

E. Patrol Operations Bureau Lieutenants and Sergeants will have access to a traffic box key. Supervisors or their designee will be the only police personnel authorized to put signal lights on flash.

By Order Of: Harold E. Medlock
Digitally Signed

9.9.0 OBJECTIVE

To establish guidelines for agency activities related to traffic engineering.

9.9.1 FUNCTIONS

A. The department will work with appropriate authorities to devote personnel and other resources to:

1. Collect and compile traffic related data relevant to identifying specific engineering problems and solutions;
2. Conduct special traffic surveys and studies, as appropriate, to investigate potential problems;
3. Analyze collision and enforcement data to detect trends caused by engineering problems.
4. Prepare special reports, and make recommendations concerning efficient use of traffic control devices, new or revised laws or ordinances, or other engineering solutions/improvements;
5. Participate actively in the City's transportation system management planning and the Regional Transportation Planning System.

B. The department will use the Federal Highway Administration's document entitled Manual on Uniform Traffic Control Devices for Streets and Highways 2012 edition as a guide for activities relating to traffic engineering.

9.9.2 PROCESSING INFORMATION

A. Department personnel will be responsible for collecting, analyzing and transmitting traffic engineering information acquired through citizen notifications, traffic collision data and traffic enforcement data.

B. The Traffic Unit will collect and analyze relevant engineering data as part of its regular studies of traffic collision locations. Analysis of high incident collision locations will be conducted to identify possible engineering deficiencies. If deficiencies are identified, the department will advise other authorities and engineering officials.

C. The department will collect and analyze relevant engineering data as part of its regular studies of traffic enforcement patterns. These studies will specifically examine the potential contribution of engineering deficiencies at locations exhibiting high incidence of particular types of violations. Studies will examine the results of specific engineering modifications at the affected locations.

D. The department will periodically forward summaries of its collision and enforcement data to traffic engineering authorities. The summaries will highlight potential engineering problems emerging from the collision and violation records, as well as evidence of the impact of engineering modifications that were implemented in response to previously identified problems. Also, the department will provide the traffic engineering authorities with copies of any special engineering studies or individual collision reports displaying particular engineering problems.

By Order Of: Gina V. Hawkins
Digitally Signed

9.10.0 OBJECTIVE

To provide guidelines for the delivery of traffic related Auxiliary Services consisting of activities having an indirect effect on traffic flow as well as those that are in response to citizen generated requests for assistance.

9.10.1 MOTORIST ASSISTANCE

A. The department will offer reasonable assistance at all times to motorists who appear to be in need of aid. This will apply at all hours of the day, but particularly during the nighttime hours, when the hazards are increased.

B. Officers will be constantly alert for highway users who appear to need assistance. Whenever possible, officers will stop and offer their services to highway users who appear to be in need of assistance. If, at the time a stranded or disabled motorist is observed, the officer is on a call for service, he will notify Communications of the motorist's location to ensure assistance is dispatched.

C. Officers who assist stranded motorists will remain alert to these possibilities:

1. The vehicle in the possession of the motorist has not been authorized for his/her use.
2. The vehicle is in unsafe operating condition.
3. The motorist is unlicensed to drive; the motorist is incapable of safely operating the vehicle.
4. The vehicle's occupants have engaged in criminal activity.

D. Stranded motorists should not be left unattended when they appear to be exposed to hazardous situations. Due consideration will be given to factors such as location, time of day or night, weather and current priority of calls for service.

1. When circumstances preclude an officer from remaining with the motorist, flares should be placed to warn oncoming traffic and provide reasonable safety until the problem can be resolved.
2. Officers may, with supervisory approval, transport stranded motorists to the nearest convenient location where assistance may be obtained.

E. Vehicle Removal

1. If immediate removal of a disabled vehicle is necessary to avoid further traffic problems appropriate assistance will be obtained. Officers will not use patrol vehicles to push or pull vehicles. City vehicles will not be used to jump vehicles other than City vehicles. Officers will make every effort feasible to refer citizens to the appropriate service.
2. Officers will provide information and directions upon request, and will become familiar with the streets and highways in their area. All officers assigned to motorized patrol will possess maps of the City of Fayetteville and the State of North Carolina as part of their equipment.

9.10.2 ESCORT AND RELAY SERVICES

A. The department routinely receives requests to escort various types of vehicles to a specific location or to expedite travel through our jurisdiction both in emergency and non-emergency situations. Similar requests may be received to transport (relay) various items and/or persons.

B. The department will honor requests for police escort and relay services to ensure the safe, orderly and/or efficient movement of special traffic or expedite delivery of special items. Requests will be fulfilled to the extent practical, provided that the escort or emergency relay does not create an unacceptable risk to the public or the police officer.

C. All routine requests for escort and/or relay will be reviewed and approved by a Patrol Supervisor, District Commander or Bureau Commander. Officers will not initiate emergency escorts or relays without first obtaining specific authorization from a supervisor.

D. Normally, requests for escorts will not be granted to any person for the sole purpose of expediting their journey or to provide publicity or personal convenience.

E. Police escorts and relays will be conducted in accordance with the North Carolina General Statutes and other departmental Written Directives and operating procedures.

F. Emergency Escorts

1. Officers will not escort emergency vehicles, particularly ambulances, except under special circumstances. This type of escort may be necessary if an emergency vehicle has lost the use of its emergency equipment or if its personnel are unfamiliar with directions.
2. Officers will not escort civilian vehicles in medical emergencies. If necessary, the patient should be transferred to an ambulance, or in the event that an ambulance is unavailable, to the police vehicle for the emergency run. The driver of the civilian vehicle should be directed to proceed to the emergency medical facility at normal speed in compliance with all traffic regulations.
3. Emergency escorts will be conducted in a safe and reasonable manner. Officers will terminate emergency escorts and resume normal vehicular operations when, in their opinion or upon supervisory command, it is deemed that continuation of the escort would constitute unacceptable risk to the public or for the officers themselves.

G. Emergency Relays

1. Requests for relays other than routine must be approved by a supervisor. Before authorizing an emergency relay, the supervisor must verify the urgency with the requesting person or agency.
2. Supervisors should consider alternative methods such as commercial aircraft, U.S. Mail service, private delivery service, or commercial buses, prior to authorizing an emergency relay.
3. Emergency relays should be coordinated in such a manner that transporting officers do not have extremely long distances to travel.
4. When practical, officers involved in a relay should not be required to transport beyond their patrol area.

H. Scheduled Escort Services

1. Legitimate requests for scheduled police escort services include, but are not limited to, motorcades and other traffic of public officials and dignitaries, oversize vehicles, house moves, highway construction and maintenance vehicles, and vehicles with hazardous or unusual cargo. All such requests must have supervisory review and approval. Escort services will be conducted in accordance with City Ordinance 24-191.
2. If approved, a trip route will be established in advance, as will the maximum speed to be maintained along each segment of the route.
3. Point traffic control will be established at locations along the scheduled route, sufficient to ensure safe passage.
4. Tactical control of the escort will be assigned to a specific commander, supervisor, or officer. The tactical controller will set the pace of the escort in accordance with prevailing conditions, and under no circumstances exceed the pre-specified maximum speed for any segment of the route. The tactical controller will terminate the escort and resume normal vehicular operation when in his/her opinion; conditions are such that continuation of the escort would constitute unacceptable risk to the public or the police officers themselves.
5. Officers will maintain continuous operation of headlights, blue lights and wigwags. Officers will lead the motorcade through intersections with blue light and siren when going against any traffic control signal in accordance with NCGS 20-157.
6. Escorting officers will maintain an appropriate speed that will ensure the motorcade maintains a tight formation.

7. The department does not routinely conduct funeral escorts. Exceptions may be made for special requests with prior approval from the Chief of Police.

By Order Of: Harold E. Medlock
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **9.11**
	Subject **TRAFFIC RECORDS**	**Effective Date** 9 January 2014
	Revised 12-15-88, 06-10-93, 02-25-02, 12-17-12	**Page** 1 of 1

9.11.0 OBJECTIVE

To establish guidelines for the preparation, review, collection, analysis, and dissemination of traffic records.

9.11.1 RECORD KEEPING

A. The Police Department will record and analyze traffic collision reports, citations and traffic arrest data and engineering information on a continual basis in order to evaluate traffic safety needs, deploy manpower effectively, develop countermeasures and evaluate the effectiveness of services. Some of the required data is collected and disseminated by other state/local agencies and to the extent possible, the department will avoid dual record-keeping.

B. The department's Records Management System (RMS) and CAD System contain collision report data, traffic enforcement data and roadway hazard reports. Data regarding traffic collisions and enforcement activities can be extracted from reports entered into the department's RMS. Statistics regarding these activities will be maintained and updated monthly on the Department's network for analysis purposes.

9.11.2 REPORTING PROCEDURES

A. Traffic collision reports (DMV-349) and confidential Hit and Run Reports (FI Module) will be completed in accordance with NCGS 20-166.1. Officers will complete reports daily and forward the reports to their immediate supervisor for review. Only handwritten reports will be forwarded to the Central Records Unit.

B. Handwritten collision reports will be entered in the RMS by CRU personnel. Once entered into the system, one copy of the DMV-349 will be forwarded to the North Carolina Division of Motor Vehicles. The original will be filed.

C. Copies of the DMV-349 may be obtained upon request.

D. Traffic citations will be completed by officers and submitted daily to their immediate supervisor for review. Original handwritten citations and copies of e-citations will be forward to the Central Records Unit for RMS entry. Once entered, the citations will be logged and forwarded to the Clerk of Court.

9.11.3 DATA SUMMARIES

A. The Patrol Support Unit Commander will prepare and disseminate appropriate collision / enforcement summaries to support field operations, facilitate program planning, assist in the development of countermeasures and evaluate program effectiveness.

B. Collision / Enforcement data summaries will be disseminated to the supervisors of all affected units in a timely manner.

C. The Patrol Support Unit will maintain a list of collision locations to identify areas for further analysis to facilitate traffic safety education and enforcement.

By Order Of: Harold E. Medlock
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **9.12**
	Subject **PARKING ENFORCEMENT**	**Effective Date** 9 January 2014
	Revised 04-25-88, 10-01-93, 02-25-02	**Page** 1of 1

9.12.0 OBJECTIVE

To establish guidelines for enforcement of parking codes, statutes and regulations.

9.12.1 ENFORCEMENT

A. Parking is restricted in various areas to ensure fair access to parking and to expedite the flow of traffic during peak hours. Special restrictions apply in accordance with North Carolina General Statutes and the City Code of the City of Fayetteville.

B. Officers will enforce existing parking codes, statutes or regulations with reasonableness and impartiality in all areas within the City.

C. Officers will use the City of Fayetteville Ordinance Violation Citation or North Carolina State Citation, whichever is appropriate. Officers will use foot and vehicle patrol to enforce the City of Fayetteville parking codes.

9.12.2 ORDINANCE VIOLATION BOOKS

A. All City Ordinance Violation books will be maintained and accounted for by the Service Bureau Supply Section. Officers in need of a book should contact the Supply Section.

B. Ordinance Violations will be processed in the following manner:

1. Original - Submitted to officer's supervisor for review and then to CRU. CRU will make a copy and keep it on file for ninety days, and forward the original to City Finance.
2. Second Copy – Given to the violator.
3. Third Copy – Officer's records.

9.12.3 VOIDING CITATIONS

Only supervisors may void City of Fayetteville Ordinance Violations. The void must be made on the all copies by writing the word "VOID", an explanation, and signature.

By Order Of: Harold E. Medlock
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **10.1**
	Subject **DEPARTMENTAL PLANNING, RESEARCH, AND DEVELOPMENT**	**Effective Date** 6 March 2026
	Revised 01-18-89, 07-08-94, 07-13-99, 02-25-02,06-24-02, 05-05-03, 03-21-05, 07-11-05, 01-26-07, 2-11-11, 08-21-12, 11-13-17, 03-29-18, 04-27-21, 07-22-25	**Page** 1 of 4
	CALEA Standard 11.4.3, 15.1.1, 21.2.2, 33.5.4	

10.1.0 OBJECTIVE

To establish procedures for the planning, research, and development for the department.

10.1.1 ASSIGNMENT

A. The Accreditation Manager is assigned to the Office of the Chief and reports directly to the Office of Professional Standards (OPS) Commander.

B. The Grants Manager is assigned to the Office of the Chief and reports directly to the Police Administrative Services Manager.

C. The Accreditation Manager and the Grants Manager will have ready access to the Chief of Police as needed.

10.1.2 GRANTS

A. All grant activities will be supervised under the direction of the Office of the Chief or their designee with the assistance of the Grants Manager.

B. Grants Manager Responsibilities

The Grants Manager will be a resource for providing appropriate technical assistance and guidance to the program director(s), monitoring the grant award process to include grant funding, programmatic reviews of invoices and audits from the granting agencies, maintaining records, and ensuring a successful close out process. The Grants Manager will facilitate the understanding and the satisfaction of the administrative grant requirements and submit, accept, and process the grant application and grant award with the approval of the Chief of Police, Finance Director, and the City Manager.

C. Project Manager Responsibilities

Project managers will have the responsibility of the planning, execution and closing of assigned projects for the grant. The project manager is the person responsible for accomplishing the stated project objectives. Project managers will plan and guide the project processes from start to finish with the assistance of the Grants Manager.

D. Grant Proposal Request

1. Project manager(s) must have approval from their entire chain of command before drafting and submitting a grant proposal application to the Grants Manager. Grant applications and proposals should be submitted to the Grants Manager no later than 6 weeks when allowed before the grant application deadline.

2. To gain approval for the submission of a grant application, regardless of the deadline and amount of funds involved, the project manager must first notify his or her chain of command up through the rank of Assistant Chief. The project manager must also notify the Grants Manager of the grant opportunity including a copy of the grant solicitation.

3. Information to be included in the notification must include the grant's purpose, funds available, matching costs, new positions, continuation of existing positions, and all recurring costs.

4. If the chain of command approves submission of the grant application, based on the added value the grant funds would provide FPD the Assistant Chief will recommend to the Chief of Police that a grant application be prepared.

5. At his or her discretion, prior to making a recommendation to the Chief of Police, the Assistant Chief of the group the grant funds would benefit, may confer with the other Assistant Chief and appropriate bureau commanders.

6. The Chief of Police or his or her designee may accept or reject the Assistant Chief's recommendation for the preparation of a grant application or proposal.

7. Approval must be received from the City Finance Department and then forwarded to the City Manager's office for final approval. Once all appropriate signatures are obtained, the Grants Manager will complete the submission process for the granting agency.

E. Receiving Grant Awards

1. Before grant awards are received, the Grants Manager and program manager will ensure that the project is in compliance with all special conditions specified by the granting agency. The Grants Manager will ensure that the grants are in compliance with all local, state and federal laws. The Grants Manager will complete and submit all appropriate documents through the chain of command to include the appropriate Bureau Commander, Chief of Police, Finance Director and City Manager.

2. No funds will be spent or allocated until all documents are approved by the granting agencies. The Grants Manager will provide a written notification to the project manager and his/her chain of command when funds can be spent. Grant funds are to be disbursed **only on** the items and training requested in the original grant contract. No budget adjustments or re-allocation of funds will be conducted without the approval of the Grants Manager, Budget Analyst and the Finance Analyst. Budget adjustments and re-allocation of funds will only be approved if the request deems necessary, reasonable and allowable by the Grants Manager, Budget Analyst and Finance Analyst. Grant adjustment requests are sometimes required from the granting agency and this process should be taken into consideration when requests are made.

3. Any state or federal fund grant award requiring the use of a subrecipent will adhere to a Memorandum of Understanding, the POL-Form 238 titled Standard Protocol for Subrecipents and the POL-Form 239 titled Grant Agreement Addendum. Any Memorandum of Understanding related to a grant funded project must be reviewed by the Grants Manager before being submitted to the Chief of Police or the Legal Advisor.

F. Purchases Made with Grant Funds

1. Before any purchase is completed, a purchase order must be issue to the appropriate vendor. All items to be purchased with grant funds must be submitted by using the Fayetteville Police Department's Departmental Request to Purchase Items form with (3) attached detailed quotes for the items. All documentation must be completed with signatures of the entire Chain of Command and submitted to the Budget Analyst before any purchase(s) are made. All purchases must comply with all state and federal procurement laws. All contracts or bids must be routed through the Finance Department.

2. The Budget Analyst will review all documentation to ensure that the funds are available. The Budget Analyst will forward all documentation to the Grants Manager who will ensure the projected items are eligible to be purchased using grant funds.

3. All documentation will require the signature of the Grants Manager for approval or denial of the items requested. The Budget Analyst will notify the requester to proceed or cease with the requested order. All receipts must be turned into the Budget Analyst within 24 hours.

10.1.3 RESOURCES

The Accreditation Manager and Grants Manager may have access to necessary information resources to include departmental memos, e-mails, newsletters, magazines, periodicals, and the internet for research purposes.

10.1.4 ACCREDITATION

A. The Accreditation Manager will utilize PowerDMS software and spreadsheet tracking documents to ensure that periodic reports, reviews and other activities mandated by applicable accreditation standards are accomplished.

B. The Accreditation Manager shall receive specialized accreditation manager training within one year of being appointed and shall be responsible for providing appropriate training to other agency personnel assigned to the accreditation process.

C. The Accreditation Manager will update the departmental organizational chart and functional authority charts as needed.

D. The Accreditation Manager will develop a plan to conduct the Citizens Survey biennially. The survey will address the agency's overall performance, the competency of agency employees, citizens' perceptions of officers' attitudes and behavior, community concerns regarding safety and security within the agency's service area, and any recommendations or suggestions for improvement. The Accreditation Manager will prepare a written summary of the results for the Chief of Police.

E. The Accreditation Manager will maintain liaison with other criminal justice agencies.

F. When analytical reports or research are requested, those reports will be distributed to the affected organizational units.

10.1.5 JOB DESCRIPTIONS

A. All job descriptions will be maintained by the City of Fayetteville Human Resource Development Department. Job descriptions can also be located at https://www.governmentjobs.com/careers/fayetteville.

B. A review of job descriptions will be conducted as needed, but at a minimum of every four years.

1. The Accreditation Manager will provide a written request that all supervisors review the job descriptions in their areas of responsibility.

2. If revisions are needed, supervisors will update the job description and forward it through the appropriate chain of command to the Accreditation Manager who will forward the revised copy to HRD.

C. In addition to the formal job description review cycle, job results and performance expectations are reviewed annually as part of the employee performance evaluation process and updated as necessary to ensure they accurately reflect current duties, responsibilities, and organizational priorities.

10.1.6 MULTI YEAR COMMUNITY POLICING PLAN

A. The Accreditation Manager will maintain a Multi-Year Community Policing Plan that includes department goals and operational objectives, anticipated workload and population trends, anticipated personnel levels, anticipated capital improvements and equipment needs.

B. The plan will cover a three-year time period and will be updated as needed. The plan will be staffed to the Chief of Police, Assistant Chiefs, Majors and Captains for input prior to the completion of a final draft.

10.1.7 REFERENCES

W.D. 3.01	Office of Professional Standards (OPS)

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

10.2.0 OBJECTIVE

To establish guidelines for activities relating to personnel and payroll.

10.2.1 TIME ENTRY PROCEDURE

A. The Personnel Technician is responsible for the preparation and submission of the payroll authorization for all employees assigned to the Police Department. This automated process includes posting the following:

1. Actual time worked.
2. Leave time taken.
3. Premium overtime worked when approved by the respective Division Commander. Over time will be posted by charging it to a cost center where the overtime was worked. A sub-ledger number, assigned by the Finance Department, will be used to define the specific event that overtime was earned.
4. Number of hours worked for K-9 home care.
5. Compensatory and Overtime for non-exempt sworn personnel will be posted each week with the processing of the previous week's timecards. Compensatory and overtime is posted directly from the timecards with the payroll system figuring the calculations for time worked. Compensatory and overtime for the 28-day cycle (FLSA) is calculated based on all hours worked in excess of 171 hours within the 28-day cycle. All leave time taken during this cycle does not qualify as time worked. Compensatory and overtime is paid at the regular rate of pay. All compensatory and overtime must be documented on the timecard.
6. Compensatory and overtime for non-exempt civilian personnel will be posted each week with the processing of the previous week's timecards. Non-Exempt Civilian personnel are compensated at time and half for all hours worked in excess of 40 hours per week. If total hours worked during the week are less than 40 hours, compensatory and overtime is paid at the regular rate of pay.
7. Vacation, holiday and sick leave accruals are automatically applied to each employee's leave balances. Leave time taken is posted from weekly timecards and balances are reflected on employees pay voucher per pay period. Leave reports that list departments separately will be generated for each pay period to reflect vacation, holiday, sick and compensatory leave balances.

B. Upon completion of the payroll authorization the Personnel Technician will submit the payroll authorization to the Chief of Police, Assistant Chief or Administrative Services Manager for review and signature. The Personnel Technician will then submit the payroll authorization to City Finance. All original timecards, court vouchers and payroll authorization reports will be maintained in accordance with the Municipal Records Retention Schedule. Timecards, court vouchers and corrected timesheets will all be archived in Laserfiche.

10.2.2 PAYROLL STATUS CHANGE

A. The Personnel Technician will be the processing point for any changes that affect current payroll or employee status change. Once the Personnel Technician is notified in writing of a payroll status change, the Personnel Technician will complete an Employee Change Notice (COF-560) and obtain approval by the Chief of Police, Specialized Services Bureau Commander or Administrative Services Manager. The Personnel Technician will then provide the original Employee Change Notice form and supporting documents to Human Resources for processing. A copy of all Employee Change Notices submitted to Human Resources will be archived in Laserfiche.

B. Pay Incentives are added to an employee's pay as a separate line item. Pay Incentives are based on area of assignment or condition of work and will be added upon receipt of Personnel Orders clearly stating that an employee is to receive a pay incentive. If an employee is no longer eligible to receive an

Incentive Pay, a Personnel Order must be generated and submitted to the Personnel Technician to stop the eligibility. The Personnel Orders to start or stop a pay incentive must take effect at the beginning of a new pay period.

10.2.3 POLICE SPECIALIST INCENTIVE PAY

A. Police Specialist is also referred to as Field Training Officer. A Personnel Order must be completed and signed by appropriate Commander and submitted to the Personnel Technician. The effective date is always the first day of a new pay period. The Personnel Technician will complete an Employee Change Notice (COF-560) and obtain approval by the Chief of Police, Specialized Services Bureau Commander or Administrative Services Manager. The Personnel Technician will provide City Personnel with the original Employee Change Notice and Personnel Order for processing. A copy will be archived in Laserfiche. Employees at the rank of Sergeant and above are not eligible for Police Specialist Incentive Pay. These are budgeted positions. If the sworn person is out of work (Administrative Leave or LWOP) for thirty consecutive work days they are not eligible to receive the Police Specialist Incentive Pay. The rate will be prorated.

10.2.4 COMMUNICATIONS TRAINING OFFICER INCENTIVE PAY (CTO)

A Personnel Order must be completed and signed by the Specialized Services Bureau Commander and submitted to the Personnel Technician to start or stop this incentive pay. The effective date is always the first day of a new pay period. The Personnel Technician will complete an Employee Change Notice (COF-560) and obtain approval by the Chief of Police, Specialized Services Bureau Commander or Administrative Services Manager once the Personnel Order is obtained. The Personnel Technician will provide City Personnel with the Employee Change Notice and a copy of the Personnel Order for processing. A copy will be archived in Laserfiche.

10.2.5 HAZARDOUS/EMERGENCY RESPONSE TEAM INCENTIVE PAY (ERT)

A Personnel Order must be completed and signed by appropriate Bureau Commander and submitted to the Personnel Technician. A Personnel Order should be submitted by a Commander to start or stop this incentive pay. The effective date is always the first day of a new pay period. The Personnel Technician will complete an Employee Change Notice (COF-560) and obtain approval by the Chief of Police, Specialized Services Bureau Commander or Administrative Services Manager once the Personnel Order is obtained. The Personnel Technician will provide City Personnel with the Employee Change Notice and a copy of the Personnel Order for processing. A copy will be archived in Laserfiche. Employees with the rank of Sergeant and above are eligible to receive this incentive pay. If the sworn person is out of work (Administrative Leave or LWOP) for thirty consecutive work days they are not eligible to receive this incentive pay. The rate will be prorated.

10.2.6 CLOTHING ALLOWANCE

Clothing Allowance is paid to sworn personnel who are assigned to Investigations and/or a plain clothes position. Eligibility must be identified in the Personnel Order signed by the appropriate Commander. When eligibility is established the employee will be responsible for completing a Clothing Allowance Form (POL-119) and submitting same to the Personnel Technician for processing. Clothing Allowance is payable in June and December of each year. If the sworn person is out of work (Administrative Leave or LWOP) for thirty consecutive work days they are not eligible to receive the clothing allowance. The rate will be prorated.

10.2.7 EDUCATION INCENTIVE PAY

Education Pay applies to all sworn ranks except Police Chief. Education Incentive Pay is a permanent pay status. For Sergeants and above it is incorporated into base pay. Education Incentive Pay for Police Officers is not incorporated into base pay but is a separate line item on the employee's pay voucher. An Employee Change Notice will be completed by the Personnel Technician upon receipt of a memorandum approved by the appropriate chain of command requesting Education Incentive Pay

and a copy of the original employee's transcript and diploma. The Personnel Technician will then submit same to HR for processing. A copy will be archived in Laserfiche.

10.2.8 RESIDENTIAL CANINE CARE (K9)

The Personnel Technician will complete an Employee Change Notice (COF-560) and obtain approval by the Chief of Police, Specialized Services Bureau Commander or Administrative Services Manager once the Personnel Order is obtained. A Personnel Order should be submitted by a Commander to start or stop this pay. Residential Canine Pay is minimum wage paid for off duty hours for canine care. To be compensated for Residential Canine Care the employee must document .75 hours per day/5.25 hours per week on a timecard. Officers who qualify to receive Residential Canine Care will not be eligible for payment if the dog is kenneled.

10.2.9 TEMPORARY DUTY ASSIGNMENT

A regular employee up to a department head-level position, who has temporarily assumed a higher-level of responsibilities for a minimum of *30 consecutive* working days, shall be awarded temporary assignment pay. An employee at the assignment of Captain and above, who has temporarily assumed higher level responsibilities for a minimum of *60 consecutive* working days, shall be awarded temporary assignment pay. In order for an employee to obtain the temporary duty assignment pay the Personnel Technician must receive an original Personnel Order signed by a Commander or Department Head. The Personnel Technician will be responsible for completing an Employee Change Notice and providing same to Human Resources upon receipt of the Personnel Order. A copy will be archived in Laserfiche. Upon satisfying the minimum requirements the employee will be compensated beginning the first day of this temporary assignment.

10.2.10 RETIREMENT

When an employee retires the Personnel Technician will be responsible for completing an Employee Change Notice and provide same to Human Resources upon receipt of the original retirement letter and/or an original memorandum signed by the Chief of Police or his designee. The retirement date is always effective the 1st day of the month and should be notated as such. A copy will be archived in Laserfiche. The Personnel Technician will refer the employee to Human Resources for processing any retirement paperwork.

10.2.11 MILITARY LEAVE/DEPLOYMENT

A copy of all Military Leave Orders and a Request for Military Leave Form (PER-103) must be obtained, completed and submitted to the Department Head for signature. Once the signature is obtained both a copy of the Military Leave Orders and original Form (PER-103) must be provided to the Personnel Technician. An employee who receives orders is entitled to paid military leave for a total of three weeks (120 hours) in a calendar year (Jan-Dec). The employee can also elect to use any combination of accrued vacation, holiday, compensatory time or leave without pay. The request for Military Leave form (PER-103) has to be approved by the City Manager if the request is in excess of 12 weeks. It is the employee's responsibility to indicate any military leave on their time card and must indicate leave with or without pay. If the employee chooses to use accrued time, this also must be indicated on the timecard.

10.2.12 ADMINISTRATIVE DUTY OR LEAVE ASSIGNMENT

A. Employees may be assigned to administrative duty or leave assignment for medical or internal reasons. If an employee is assigned or released from administrative duty or leave assignment due to a medical reason the Chief of Police, or his/her designee, is responsible for completing form POL-161 with details of the assignment. If an employee is assigned or released from administrative duty or leave assignment due to an internal investigation, The Office of Professional Standards is responsible for completing form POL-161 with details of the assignment. Administrative duty or leave assignments

are considered two different assignments and separate forms must be completed for each indicating "administrative duty" or "administrative leave."

B. When an employee is assigned to administrative duty the employee will continue to work, but not in their normal capacity. Sworn personnel may perform restricted law enforcement duties and may be temporarily assigned to different areas of the department.

C. Restricted Law Enforcement duties will include but may not be limited to the following conditions:

1. Employees assigned to administrative duty or leave will not be allowed to attend training other than mandatory In-Service Training.
2. Employees assigned to administrative duty or leave will not be eligible for promotion.
3. Employees assigned to administrative duty or leave for all misconduct or medical reasons will not be permitted to take part in the vehicle take home program. This includes marked or unmarked vehicles.
4. Employees who are assigned to Administrative Leave with pay must remain available by telephone during the times indicated on form POL-161.

D. It is the responsibility of the employee's supervisor to ensure the employee understands their administrative duty or leave assignment and the restrictions. Administrative duty or leave must be documented on a timecard. All Sworn and Non-Sworn, Non-Exempt Employees who are assigned to administrative duty are only allowed to work a 40-hour week and will not be eligible to receive overtime or compensatory time. If the employee stays at work beyond an 8-hour work day, the hours worked the following day(s) are to be flexed as not to work beyond 40 hours per week. Employees will be required to take a minimum of a 30-minute lunch break each day. It is the employee's responsibility to indicate administrative duty or leave on their time card. If an employee is assigned to administrative leave the timecard must indicate with or without pay. Additional information can be found in Operating Procedure 1.7: Administrative Duty.

10.2.13 FAMILY AND MEDICAL LEAVE (FMLA)

A. The Family and Medical Leave Act (FMLA) provides eligible employees the right to take paid or unpaid leave for a period of up to 12 work weeks in a 12 consecutive month period. The employee should be referred to Human Resources to complete the appropriate paperwork. Questions in regards to FMLA should be directed to the attention of the HR Benefits Analyst. It is the employee's responsibility to indicate any leave on their time card and must indicate FMLA. If the employee elects to use accrued time or takes leave without pay, this should also be indicated on the timecard.

B. The Personnel Technician will be responsible for posting FMLA and any leave with or without pay in the payroll system according to pay type classification.

10.2.14 WORKERS COMPENSATION

Injured employees shall have the option to use accrued paid leave (e.g. sick, vacation or holiday time) or take leave without pay to cover the seven (7) day waiting period. The seven-day waiting period begins the first calendar day following the date of injury. On the eighth day of disability (if the claim has been deemed compensable), the injured employee shall no longer be eligible to take accrued paid leave for any lost time. Please refer to the COF Policy: Worker's Compensation #406 for further understanding and compliance with the Workers Compensation Policy.

10.2.15 LEAVE WITHOUT PAY (LWOP) other than FMLA

Leave without pay may include disability leave, military leave, suspension without pay, medical leave beyond the entitlements of FMLA and continuation of education. Prior to an employee taking LWOP, form (PERS-104) must be completed and submitted to the department head or designee for approval. The City Manager would have to approve the request if it is in excess of 12 weeks. It is the employee's responsibility to indicate any LWOP on their time card. The Personnel Technician will be responsible

for posting LWOP in the payroll system according to pay type classification. Employees are not eligible to receive incentive pay if they are on LWOP for more than 30 consecutive days.

10.2.16 SCHOOL/TRAINING AND DEVELOPMENT PAY

A. All Non-Exempt Employees will be compensated for travel time that is beyond their normal shift schedule when travel requires more than a thirty-minute drive from the Police Administrative Building, Training Center, Central District, or Cross Creek District to the location of the training and development opportunity.

B. If the employee's attendance in the training/school/conference causes the employee to work beyond the 40-hour work week (80 hour pay period for sworn, non-exempt employees), if possible, the supervisor will allow the employee to flex their time to minimize any accrued compensatory time. Overtime is not permitted to be paid for an employee to attend training.

10.2.17 DAY LIGHT SAVING TIME

A. Daylight Saving Time Beginning - Spring

Non-Exempt employees, who are working at 0200 hours on the night of daylight savings beginning, will be compensated for a full day (8, 10 or 12 hours) of scheduled time. The employee is responsible for annotating "Daylight Saving Beginning" for that day, so the Personnel Technician can pay accordingly.

B. Daylight Saving Time Ending -Fall

Non-Exempt employees, who are working at 0200 hours on the night of daylight savings ending, will be compensated for actual hours worked. Due to this time change employees will work over (1 hour) their scheduled time. The employee is responsible for annotating "Daylight Saving Ending" for that day so the Personnel Technician can pay accordingly.

10.2.18 COURT / CASE PREPARATION REVIEW PAY

Employees attending court/case preparation review during their scheduled time off must complete a Certificate of Court Attendance form (POL-489). The form must be completed in its entirety. Employees are entitled to compensation for attending court/case preparation review only when the employee attends court on their scheduled time off. The employee will be responsible for providing their immediate supervisor with the completed court vouchers in a timely manner. Payment for court/case preparation review during non-scheduled duty hours shall be paid at the employee's **regular hourly pay** for a minimum of two hours consistent with FLSA guidelines for sworn and non-sworn personnel.

10.2.19 NEW EMPLOYEES

The Personnel Technician is responsible for completing the following for new employees:

1. Upon receiving notification from HR of a new hire, the Personnel Technician will coordinate with the Technical Services OAII to ensure that a new employee packet is created.
2. Upon receiving notification from HR of a new hire, the Personnel Technician will provide the Specialized Services Bureau Administrative Assistant a copy of all new employee acceptance letters. This action ensures that an IT request is completed so all new hires are given a computer network and city email account.
3. All new hires will be released from HR to the Personnel Technician or designee on their 1st day of new hire city orientation. The Personnel Technician will coordinate with the Technical Services OAII to ensure each employee is welcomed to the department and the new hire packet is covered. Proper paperwork will be completed. The new hire will then be released and return to new hire city orientation for day 2. Upon release of day 2 they will report to their immediate supervisor or designee to continue in-processing activities.

4. Paperwork completed from the new hire packet will be archived in Laserfiche and originals will be distributed accordingly.

10.2.20 TERMINATING / RESIGNING EMPLOYEES

The following personnel will be responsible for completing the following to finalize terminated/resigning employees. If an employee resigns or is dismissed:

1. The employee's immediate supervisor will obtain the letter of resignation from the employee, complete the Supervisor's Separation Questionnaire Form, and Off Boarding Request Form. This packet will then go through the chain of command for signatures and/or initials, before being provided to the appropriate Administrative Assistant.
2. The appropriate Administrative Assistant will provide the letter of resignation, the Supervisor's Separation Questionnaire Form and the Out-Processing Form (POL-122) to the Personnel Technician who will be responsible for completing the Employee Change Notice Form and providing the completed out-processing packet to Human Resource Development. A copy will be archived in Laserfiche by the Personnel Technician.
3. Notification will be made to all appropriate personnel in reference to the out-processing employee by the Personnel Technician.
4. The Personnel Technician will contact the employee's immediate supervisor to schedule an appointment to complete all out-processing documents. The employee's immediate supervisor will pick up the out-processing packet from the Personnel Technician. The immediate supervisor will schedule all additional out-processing appointments for their employees. Supervisors will use POL-122 to contact the necessary personnel to schedule dates and times to out-process with the required personnel and will inform the out-processing employee of when and where they need to be.
5. The employee's immediate supervisor will be physically present with their employee during the entire out-processing process. This includes accompanying the employee to all scheduled appointments, assisting with any necessary paperwork or questions, ensuring all equipment has been accounted for and turned in, and ensuring POL-122 has been completed in its entirety. Upon completion, POL-122 will be returned to the Personnel Technician by the employee's immediate supervisor prior to the employee's last working day.

10.2.21 PROMOTIONS

Promotions are handled electronically through NEOGOV. HR is responsible for updating all promotional information relating to the employee in HUB/Oracle. The effective date is always the first day of a new pay period. After a promotion is in effect, the Personnel Technician will ensure leave is posted accurately if a person is promoted from a non-exempt position to an exempt position. The employee must choose to be paid out for the balance of any outstanding compensatory time balance or elect to take his or her compensatory time within six months of the promotion date. A notification will be sent to the Information Technology Department if passwords or software should be deactivated or modified based on the assignment.

10.2.22 DEMOTIONS

If an employee is demoted, the Personnel Technician will be responsible for completing an Employee Change Notice and providing same to Human Resources upon receipt of the appropriate documentation. The documentation must contain a memorandum addressed to the Chief of Police from a Bureau Commander. The memorandum must include the changes in position title, assignment duties, assigned supervisor and the recommended salary provided by Human Resources. The Employee Change Notice cannot be completed until the original memorandum is provided to the Personnel Technician. The effective date must always be the first day of a new pay period. The original documentation will be provided to HR and a copy will be archived in Laserfiche.

10.2.23 PERSONNEL ASSIGNMENTS/TRANSFERS

C. If a Personnel Order or transfer on an employee is within the same Bureau, the order must be completed at the Commander level. If a Personnel Order or transfer is from Bureau to Bureau, the Personnel Order must be completed by the Chief of Police. The effective date is always the first day of a new pay period.

D. The Personnel Technician is responsible for continually maintaining accurate and up-to-date records on all duty assignments and transfers upon receipt of a Personnel Order signed by a Commander or designee in the payroll system and the employee file. These records include change of address, current supervisor assignments, cost centers and check route information.

10.2.24 FLEX TIME

Sworn and Non-Sworn employees are expected to flex their work schedule accordingly when attending schools, training, meetings or community events. Supervisors are responsible for managing overtime and compensatory time accruals and schedule flexing will be managed by the employee and the respective supervisor. Flex time will be notated on a timecard by non-exempt employees as "Flex Time." An Employee's work hours must always equal the amount of regular time scheduled in one week. When possible, flex time will be coordinated in lieu of overtime or compensatory time.

10.2.25 REGULAR AND PREMIUM OVERTIME PAY

A. Regular overtime pay is paid at the employees' regular hourly rate. Premium overtime pay is paid at time and a half of the employees' hourly rate using FLSA guidelines for non-exempt employees. All overtime must be approved by a supervisor. Premium overtime can only be paid when the non-exempt employee physically works their minimum of 40 regular hours in a week (non-sworn) or 171 hours in a 28-day cycle (sworn).

B. Sworn (non-exempt) employees who physically work beyond their normal schedule and are unable to flex their schedule can earn regular overtime pay. Overtime must be annotated on the timecard and documented with justification for the overtime (OCA#, late call, special event, etc.).

C. Non-sworn (non-exempt) employees are paid at a rate of time and a half for all hours physically worked in excess of 40 regular hours per week. Overtime must be annotated on the timecard and documented with justification for the overtime (OCA#, late call, special event, etc.).

D. Holiday, vacation, sick and compensatory time taken are not paid as regular hours. These are leave exceptions that reduce the number of hours worked during the pay cycle for all employees and preclude the employee from earning regular overtime and premium overtime during the pay cycle.

10.2.26 COMPENSATORY TIME

A. All supervisors are responsible for managing compensatory time for the employees under their area of responsibility.

B. Compensatory time accrued goes to time and one half following the same rules as premium overtime for sworn and non-sworn classified as non-exempt.

C. No more than 40 hours of compensatory time may be accrued by a sworn employee during a pay cycle and must be taken during the 28-day cycle that it is earned.

D. Non-sworn (non-exempt) employees who earn compensatory time should flex their schedules to ensure the time earned is taken during the same work week. When circumstances prevent non-sworn employees from flexing their work schedule they are not permitted to accrue more than 5 hours of compensatory time during a work week.

10.2.27 VOLUNTEER SERVICE TIME

See City of Fayetteville Standard Policy Document #125, Volunteer Service Time, for information on volunteer service time hours.

10.2.28 FEDERAL TASK FORCE PAY (TFO)

A. The Fayetteville Police Department has agreements and memorandum of understandings (MOUs) with several Federal Agencies, including DEA, USMS, ATF, ICE, OCDETF and JTTF. The purpose of the agreements is to obtain local law enforcement assistance between the Federal Agencies and the department as it relates to coordinating joint task forces to facilitate investigations. During the period of the assignment to the Federal Agency Task Force, the Federal Agencies have agreed to reimburse the City, up to the agreement amount (cap), for all overtime worked while performing their task force duties.

B. Federal Agencies do not dictate how the department pays overtime to the City's task force officers, but agrees to reimburse the City for overtime worked as it relates to the Federal Agency task force assignments. For sworn personnel assigned as full-time Federal Task Force Officers (the department defines overtime pay (premium overtime which is time and a half) as any hours worked on an approved task force outside of their normal scheduled hours for the week. Time off for vacation, holiday, and sick leave is not excluded from the computation of overtime hours. If an MOU specifically states how overtime will be paid, the department will comply with the MOU mandates. Overtime worked on any assignment other than task force duties (ERT, departmental specials, etc) will be paid as overtime in accordance with existing city overtime policies.

C. Once a TFO has reached the cap established by the assigned federal agency, the TFO will continue to receive overtime pay at the regular overtime rate for hours worked on task force assignments in accordance with existing city overtime policies.

10.2.29 REFERENCES

O.P. 1.7	Administrative Duty Assignment
O.P. 2.8	Training and Professional Development
COF 125	Volunteer Service Time
COF 406	Workers Compensation Policy

City of Fayetteville Employee Relations Manual
NC Municipal Records Retention Schedule

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **10.3**
	Subject **FISCAL MANAGEMENT**	**Effective Date** 22 May 2026
	Revised 03-25-94, 02-25-02, 08-26-02, 06-01-06,05-18-07, 04-16-10, 10-27-10, 11-27-13, 10-19-17, 11-27-19, 09-17-20	**Page** 1 of 2
	CALEA Standard 17.2.1, 17.3.1, 17.5.1, 17.5.2, 41.1.3, 41.3.2	

10.3.0 OBJECTIVE

To establish guidelines for budgeting and monitoring the department's fiscal resources.

10.3.1 METHOD

A. Chief of Police

The Chief of Police has ultimate authority and responsibility for the fiscal management of the department. The Chief may delegate fiscal management functions to designated personnel but retains overall accountability for the department's financial operations.

B. Chief of Staff Commander

The Chief of Staff Commander, who is under the direct supervision of the Chief of Police, is responsible for the department's fiscal management function. This includes coordination of the annual budget preparation, overseeing the execution of the department's budget, monitoring of internal expenditures of department funds and related controls, and maintaining a liaison with the City's Finance Department.

C. Budget Analyst

1. The Budget Analyst will be responsible for preparing the department's annual budget capital requests and all operational accounts. The respective Bureau/Division/Unit Commanders are responsible for submitting requests for capital items and new program initiatives. The Budget Analyst will provide the specific instructions and financial data needed for the preparation of Division budgets. The Budget Analyst will be responsible for organizing and preparing the department's final budget request and its submission to the Chief of Police for approval.

2. The Budget Analyst will maintain a database for monthly review by each Bureau/Division Commander regarding current appropriations, encumbrances and expenditures, and unencumbered balances.

D. Purchasing

1. All police department employees who participate in the negotiation and approval of purchases and contracts are personally responsible for becoming familiar with and abiding by all applicable N.C. State statutes, City policies and procedures governing such activities.

2. All purchases will be accompanied by a Department Request to Purchase Form that has been signed through Laserfiche by the appropriate chain of command. The itemized receipt must be attached to the department request in Laserfiche. If the order is over $5,000 a quote must be attached. All new requests must have a memo explaining the purchase. All computer related equipment and software must be purchased through the City IT staff. All original receipts must be turned into the Budget Analyst within 24 hours. All grant related purchases must be approved by the Grant Manager.

3. The City's Procurement Cards may be used for the purchase of materials, supplies, and services that are small dollar items bought directly from vendors. Cardholders must exercise good judgment and act responsibly when using the purchasing card. The department designee with a Procurement Card must understand that they are being trusted with access to the City of Fayetteville's Purchasing Card Program to make financial commitments on behalf of the City of

Fayetteville and will restrict purchases for only the City of Fayetteville's activities. Use of a Procurement Card by persons other than department designees must be recorded on the appropriate designee's Department Procurement Card Sign In/Out Log. City Employees who have been issued a credit card with their name are the only ones that can use that card. Ghost cards may be temporarily assigned to any city employee to make the purchase and return back to the original owner.

E. Supply

The Supply Unit is responsible for the procuring, storing, and issuing of all uniform and personal equipment items. Certain operational supplies common to all divisions will be acquired, maintained, and issued through the Supply Unit.

F. Property

1. Division/Unit Commanders will be responsible for the use and safekeeping of all capital and non-capital property acquired with division funds and all capital items currently assigned to their division.

2. Division/Unit Commanders or designees are responsible for the operational readiness of all assigned equipment/property in their areas. When an item is in need of repair, the Technical Services Lieutenant will be notified so arrangements can be made for the repair of defective equipment/property. The Technical Services Unit is responsible for cleaning, preventive maintenance, repair, operability and sending out items to the appropriate vendors.

3. The Technical Services Lieutenant will maintain department records regarding the assignment of all capital items. The Technical Services Unit Lieutenant will also be responsible for coordinating department input for the periodic property inventory conducted by City Finance for all City Departments. Supervisors will notify the Technical Services Unit Lieutenant, in writing, whenever any capital item is transferred between units or when disposal of an item is requested or received.

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **10.4**
	Subject **TECHNICAL SURVEILLANCE EQUIPMENT**	**Effective Date** 22 July 2025
	Revised 01-17-86, 02-25-02, 04-11-05, 07-11-05, 04-18-06, 05-04-11, 08-13-20	**Page** 1 of 1
	CALEA Standard 43.1.4	

10.4.0 OBJECTIVE

To provide guidelines for the management, maintenance and accountability of technical surveillance equipment utilized outside of the Vice Investigative Division's Technical Surveillance Unit (TSU).

10.4.1 ACCOUNTABILITY

A. All Technical Surveillance Equipment (TSE) that is to be purchased, stored and utilized outside of the TSU, will be received by Specialized Services Division personnel (some examples of this equipment include: Night Vision devices, hand held FLIR devices). The equipment will be inventoried to include equipment brand name, model, serial number and description by the Supply Technician in the Supply Unit. All equipment purchased and intended for long term use is required to be inventoried. Once inventoried, TSE will be issued by the Supply Technician to the appropriate unit/district who will then be responsible for the TSE.

B. An annual inventory will be conducted by the Specialized Services Division.

C. Upon transfer of the equipment and/or assigned Supervisor, the Specialized Services Division will be notified for documentation and accountability.

10.4.2 ISSUE AND RETURN

Upon issuance, unit supervisors will store TSE in a secure location and conduct periodic inventories for accountability purposes. The following guidelines will be adhered to:

1. Units receiving equipment must know how to operate the equipment.
2. Equipment will be inspected prior to each use to ensure accountability of all components and to ensure it is operational.
3. Equipment will be checked in and out by using a logbook. The log book will include the issue/return date, issuing officer's name, receiving officer's name and description of equipment.
4. Equipment will be returned complete, operational and CLEAN. The user will be responsible for lost or damaged equipment.
5. Maintenance problems and broken equipment will be reported to the unit supervisor immediately. The supervisor will appropriately document the loss or damage and notify the Technical Services Supervisor so the inventory can be adjusted accordingly.
6. The unit/district supervisor will ensure the equipment is maintained and is repaired when broken.
7. The unit/district supervisor will ensure any service or maintenance agreements associated with TSE are maintained, cancelled or extended as needed.

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **10.5**
	Subject **RECOMMENDING EQUIPMENT FOR TRIAL AND EVALUATION**	**Effective Date** 25 February 2002
	Revised 08-24-98	**Page** 1of 1

10.5.0 OBJECTIVE

To establish a procedure for recommending new equipment for department use.

10.5.1 RECOMMENDATION DISSEMINATION

A. New pieces of equipment are constantly being marketed for use in policing. Officers of all ranks become aware of this equipment and may propose that the department consider the feasibility of adding the equipment to its inventory or replacing equipment currently in use. All officers should be aware that the replacement of equipment is a budget issue.

B. A recommendation for equipment trial and evaluation will be completed utilizing an Information Exchange Form (POL-428).

C. The form will be directed through the recommending officer's chain of command and sent to the Service Bureau Commander.

D. The Service Bureau Commander will forward the recommendation to the following personnel for evaluation, based on the type of equipment:

1. Training Lieutenant

a) firearms
b) ammunition
c) holsters
d) other items concerning officer safety, such as O.C. and impact weapons

2. Administrative Lieutenant

a) vehicle equipment
b) uniforms
c) all other department equipment

10.5.2 RECOMMENDATION REQUIREMENTS

A. The equipment recommendation must include the following:

1. The purpose of the equipment being recommended and the need the equipment will meet.
2. If replacement equipment, an explanation of the advantages of this equipment over the equipment currently in use.
3. The cost of the proposed equipment from three (3) vendors. The address and phone numbers of the vendors, along with a contact person should be included. The Budget Analyst can assist officers who wish to contact vendors. **Officers will make it clear to vendors that they are not purchasing for the department, but merely seeking information.**
4. The availability of the proposed equipment for testing and whether or not the department would be required to purchase test equipment.

B. The appropriate lieutenant will then test and evaluate the equipment and forward a feasibility report to the Service Bureau Commander.

By Order Of: Tom McCarthy
Digitally Signed

10.6.0 OBJECTIVE

To establish a procedure for the development, control, review, electronic availability and ordering of department forms.

10.6.1 ADMINISTRATION

The Planning, Research and Development Unit will be responsible for the development, modification, review and ordering of all department forms and having the most up to date forms available on Police Shares for electronic use. Organizational units considering the use of new forms or when revising a form will submit proposals to the Planning, Research and Development Unit for coordination, approval, and assignment of a POL number and a date/revision date.

10.6.2 FORM DEVELOPMENT AND CONTROL

A. The Planning, Research and Development Unit will maintain a sample document file for each department form. As used in this procedure a "Department Form" is any document which has been assigned a POL number. All official forms will be assigned a POL number. All new or revised department forms will be forwarded to the Planning, Research and Development Unit for review prior to printing. The City Print Shop will not print department forms that have not been reviewed.

B. The Planning, Research and Development Unit will provide assistance as requested in development, design or modification of department forms. All new or revised department forms will be approved by the Chief of Police or his designee prior to use.

10.6.3 ORDERING DEPARTMENT FORMS

A. Bureau, Division and Unit Commanders, or their designated representative(s), will monitor department forms used by their Division and submit a print request form to the Planning, Research and Development Unit, prior to depleting the supply. A minimum of seven to ten working days should be allowed for the completion of any printing request.

B. Once department forms are printed, a representative from the Planning, Research and Development Unit will pick up the printing for distribution.

By Order Of: Gina V. Hawkins
Digitally Signed

10.7.0 OBJECTIVE

To establish guidelines for proper handling and accountability of traffic citations and citation books from issuance to final court adjudication.

10.7.1 ACCOUNTABILITY

A. The North Carolina Uniform Traffic Citation is utilized for the enforcement of traffic and misdemeanor offenses. The citation is a document for the department and a legal paper for judicial processing. The department must account for all citations it receives and issues.

B. The Office of the Cumberland County Clerk of Court distributes the Uniform Traffic Citation. Pursuant to the provisions imposed on the Clerk of Court's Office by the Administrative Office of the Court (AOC) and the State Auditor's Office, a copy of all citations used or voided must be returned to the Clerk's office for accountability.

C. Electronic citations are administered by the AOC and officers must follow AOC security guidelines. Officers are assigned a password through AOC. This password must be changed every thirty days. If no activity occurs on the users profile for ninety days the user will be revoked from the system for security reasons.

D. The Fayetteville Police Department will comply with accountability procedures set by the Clerk of Court's office regarding the use of citations. Department employees are held strictly accountable for all citations they receive.

10.7.2 DISTRIBUTION FOR UNIFORM TRAFFIC CITATIONS

A. Designated employees of the Specialized Services Bureau obtain citation books from the Clerk of Court on an as-needed basis. The person picking up the citation books from the Clerk of Court will complete a citation book control log. All citation books will be securely stored within the Supply Unit until issued.

B. Lieutenants and Sergeants are responsible for picking up new citation books and returning the completed books to the Supply Section. Citation books will be issued in lots of five (5). Citation books will be issued in sequential order and must be returned to the Supply Section in the same manner. Lieutenants and Sergeants must store citation books in a secure area until issued / logged out.

C. The Supply Technician will be responsible for completing a citation book control log whenever books are issued and returned. The citation book control log must be signed by the Supply Technician and by the receiving supervisor. The citation book control log is kept in the supply section.

D. Citation books will be accounted for when an employee transfers to another unit/division or separates from the department. Citation books that have been signed out by a supervisor from the Supply Unit will be returned back to the Supply Unit when the leaving supervisor transfers or separates from the department. Supervisors are ***prohibited*** from giving the remaining batch of citation books over to the incoming supervisor.

E. Partially used citation books may be reissued, within the squad, to personnel having a need for frequent citation usage to expedite processing of books.

F. The Supply Technician will turn in all completed citation books to the Clerk of Court's office and complete the citation book control log showing the date of return and number of citation books turned in. A representative of the Clerk of Court's office will sign the citation book control log attesting to the return.

10.7.4 DISTRIBUTION FOR ELECTRONIC CITATIONS

Officers using electronic citations must download a block of citations to the computer assigned to their vehicle. When the officer issues a citation they must:

1. Print a defendant copy and issue it to the violator
2. Enter their notes and store them in their assigned laptop until needed for court
3. Print a second defendant's copy to be submitted to CRU for accountability purposes
4. Transmit the citation over the NCSHP Mobile Data Network to have a case number automatically assigned as it auto populates in the clerk of courts office and the AOC.

10.7.5 LOST OR STOLEN CITATIONS

A. Any lost or stolen citations and/or citation books must be accounted for by memorandum through the officer's immediate supervisor to the officer's Assistant Chief. The memorandum will state the exact circumstances under which the citation was lost or stolen. The officer's District Captain will forward a copy of the memorandum to the Supply Technician and Specialized Services Division Captain. **Stolen citations and/or citation books must be entered by the officer into DCI and the appropriate incident report must be completed. Lost citations and/or citation books can not be entered into DCI per SBI DCIN/NCIC File Transactions policy. The appropriate incident report must be completed for all lost citations and/ or citation books.**

B. At the direction of the Chief of Police, the City Attorney's Office will be responsible for ensuring that any citizen who was issued a citation which was subsequently lost, or issued from a lost or stolen citation book, is notified that their personal information may have been compromised and will include the following information in a certified letter:

1. Description of the incident in general terms.
2. Notice that the information included on the citation they received from the officer was in the lost citation book.
3. Information on how the citizen can file a police report in person and sign the Identity Theft File Consent Form so their information can be entered into the DCI's Identify Theft File.
4. A copy of the Identity Theft File Consent Form and an Identity Theft Booklet with the letter to the citizen.
5. Advisement to be alert to possible theft over the next 12-24 months, to carefully review account statements and monitor free credit reports.
6. A phone number that the citizen can call for further information and assistance.

C. Copies of all paperwork regarding these incidents will be collected and scanned by the City Attorney's Office. The City Attorney's office will also notify the DA's Office in writing.

10.7.6 VOIDING UNIFORM TRAFFIC CITATIONS

A. Strict guidelines must be followed when voiding citations. Each officer will exercise a high degree of care in the issuance of a citation in order to keep errors at a minimum. Once a citation has been forwarded to the Clerk of Court, it cannot be voided; it must be dismissed in court. No citation will be voided unless **all copies** are in the possession of the officer at the time the citation is voided. Citations will only be voided for the following reasons:

1. Informational error
2. Improper charge(s)
3. Priority Call

B. When an error is made on a citation, the following procedure will be followed:

1. All copies will remain in the officer's citation book.
2. The officer will deliver the book to his/her immediate supervisor with an explanation why the citation needs to be voided.
3. The supervisor will write the explanation on the bottom portion of the citation and state the number of the new citation written (if informational error) to replace the voided citation.
4. The supervisor voiding the citation will clearly write the word "void" across the face of the citation, ensuring that all copies are legibly marked.
5. The supervisor will sign and date the voided citation.

10.7.7 VOIDING ELECTRONIC CITATIONS

A. If an officer changes vehicles and is unable to maintain the same laptop they must:

1. Void all unused electronic citations within the laptop
2. Print out all officer copies of citations for pending court cases.

B. Officers can void an electronic citation by selecting the file menu and clicking on void all unused citations.

C. When voiding a citation that has been accessed, partially or fully completed, the officer must select a reason for voiding the citation and then transmit the citation. Electronic citations may only be voided for the following reasons:

1. Priority Call
2. Information Error
3. Change to Physical Arrest
4. Equipment Failure
5. Improper charge(s)
6. Unused Citation

D. An officer must notify his or her supervisor of any voided electronic citations and note the reason for voicing the electronic citation.

10.7.8 LOGGING OF COURT DISPOSITIONS

Under North Carolina General Statute 7A-180(3), the Clerk of Superior Court is responsible for logging of court dispositions. The Clerk of Courts Office will also forward a copy of the court disposition to the Department of Motor Vehicles (DMV).

By Order Of: Gina V. Hawkins
Digitally Signed

10.8.0 OBJECTIVE

To establish guidelines for the disbursement and monitoring of departmental cash funds.

10.8.1 POLICY

All departmental cash funds will be established by the Chief upon written request to the City Finance Department. The request will state the amount needed, why it is needed, and what effect it would have on the department's operations if not approved.

10.8.2 RESPONSIBILITIES

A. The Chief or authorized designee is responsible for contacting the City Finance Department to establish a departmental cash fund and for recommending an amount to be placed in that fund.

B. The Chief or authorized designee is responsible for notifying the City Finance Director in writing of the individual(s) in the department designated as Cash Fund Custodians

C. The Cash Fund Custodian is responsible for maintaining all records or receipts and disbursements to and from the cash fund and monthly balancing. A monthly audit will be conducted by the Cash Fund Custodian and his/her direct supervisor of all cash accounts, with the exception of the Narcotic and Vice Suppression Unit. Narcotic Vice confidential funds will be audited in accordance with FPD Operating Procedure Number 5.2, "Narcotics Unit" and FPD Operating Procedure Number 5.8, "Confidential Funds and Use of Informants."

D. All monthly audits will be completed using City Finance form FIN.004 and will identify the initial balance, cash/income received, cash disbursed, and the balance on hand. All audits will be signed by the supervisor and forwarded to the Bureau Commander. The Bureau Commander will be notified immediately if the audit reveals any discrepancies between the cash on hand and the outstanding vouchers that would indicate an overage or underage of funds. The Bureau Commander will notify the Chief of Police and request an audit by City Finance to reconcile the discrepancy.

E. Supervisors and Cash Fund Custodians will receive training on audit procedures through the City Finance Department.

F. City Finance will audit all petty cash funds a minimum of once a year and forward the findings to the Chief of Police.

10.8.3 PETTY CASH FUNDS

A. The department will maintain one petty cash fund, the Training and Travel Cash Fund, not to exceed $2,000.00. The Training Coordinator will serve as the Petty Cash Fund Custodian. This fund and its designated custodian are approved by the Chief of Police and the City of Fayetteville Finance Department.

B. Petty cash funds may be used for an item or group of items costing less than $75.00. Disbursements over these limits must be approved by the Chief of Police or his designee.

C. Petty cash funds may not be used for items which should be purchased through the City Purchasing System or for items which are not authorized purchases from City funds.

D. Items that are of a repetitive nature or items which may be bought in quantity shall be bought in accordance with the City Purchasing Procedures.

E. In accordance with City Policy #306: Petty Cash Funds Operation/Monitoring, examples of allowable Petty Cash Fund uses include:

1. Parking lot receipts for parking.
2. Small emergency supplies such as paint, detergents, hardware, or electrical and plumbing supplies (only in quantities which are enough to complete the project and do not exceed the $75.00 total limit).
3. Minor employee development.
4. Training and travel expenses.
5. Small items not available in Central Supply.

F. Examples of unallowable Petty Cash Fund uses include:

1. Loans to City personnel.
2. Flower fund expenses.
3. Coffee supplies.
4. The purchase of money orders for the payment of invoices.
5. Capital outlay.
6. Alcoholic beverages.
7. Other non-emergency items.
8. Personal checks shall not be cashed at any time.
9. Mailing petty cash funds for the purchase of supplies, services or payment of invoices is prohibited.

G. Any purchases over the established $75.00 limit cannot be divided on two petty cash vouchers. These purchases should be made through the City Purchasing Division.

H. At such time as the actual amount of cash in the Petty Cash Fund drops below necessary levels the Petty Cash Fund Custodian will prepare a Request for Payment for reimbursement.

I. The request for payment should list the total amount of the purchases by line item including costs to state and local taxes. The department head or authorized designee is responsible for reviewing and approving the Request for Payment.

J. The Request for Payment is then sent to the Finance Department which will prepare a check made out to the Petty Cash Fund Custodian who will then cash the check and refund the cash to the Petty Cash Fund.

10.8.4 PETTY CASH PROCEDURE

A. An employee required to make a purchase of items may seek reimbursement after the purchase has been made or obtain the funds in advance from the Petty Cash Fund Custodian. All petty cash purchases must be approved in advance by the department head or authorized designee.

B. When an employee is seeking reimbursement after a purchase has been made the employee making the purchase will present a merchandise receipt to the Petty Cash Custodian for approval.

1. A petty cash voucher (POL-739) will be completed by the Petty Cash Custodian for each purchase and a written invoice or cash register tape with a company name imprinted on it will be attached. Adding machine tapes are not sufficient documentation unless the vendor writes the business name and telephone number on it and signs it. The employee shall review and sign the petty cash voucher.

2. In those cases where no merchandise receipt is available (parking fees, etc) or a receipt has been lost, the employee must complete a memorandum for the record to attach to the petty cash voucher form stating location, date, and time of purchase and circumstances surrounding the lack of a receipt.

C. The employee will then take the approved memorandum to the Petty Cash Fund Custodian for reimbursement. The Petty Cash Fund Custodian will review the petty cash voucher and any receipts to ensure that all requirements are met.

D. When obtaining funds in advance the employee must first complete and sign a departmental Petty Cash Voucher (POL-739) indicating the amount requested. The Petty Cash Fund Custodian is responsible for reviewing the vouchers and ensuring that they meet all requirements in accordance with City Policy #306: Petty Cash Funds Operation/Monitoring, prior to disbursing any monies. Once the purchase has been made the employee will present a merchandise receipt to the Petty Cash Custodian for approval and return any extra funds which may have been advanced.

10.8.5 REFERENCES

O.P. 5.02	Narcotics Unit
O.P. 5.08	Confidential Funds and Use of Informants
COF Policy 306	Petty Cash Funds Operation/Monitoring
COF Policy 312	Procurement Card Program
POL – 739	Petty Cash Voucher

CALEA Law Enforcement Standards	17.4.2
CALEA Communications Standards	N/A
CALEA Training Academy Standards	N/A

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURES**	**Number** **10.9**
	Subject **MILITARY DEPLOYMENT AND MILITARY LEAVE**	**Effective Date** 29 May 2026
	Revised 03-04-15, 03-13-26	**Page** 1 of 2
	CALEA Standard 22.1.9	

10.9.0 OBJECTIVE

The Fayetteville Police Department recognizes and supports members of the armed forces. Military training and activation of reservists and members of the armed forces are unique circumstances that require coordination and communication between the employee and the agency. The intent of these guidelines is to establish a plan for military leave situations that occur frequently within the FPD.

10.9.1 MILITARY LEAVE

A. Employees must submit their Military Orders along with the completed Military Leave Form (PER-103) through their chain of command to the Chief of Police within 24 hours of notification of military leave for training or deployment. An Employee Change Notice Form (COF-560) will be submitted by the Payroll Technician. Officers will follow the Military Leave Checklist (POL-578) in PowerDMS for guidance on military leave and return from military duty.

B. The employee's immediate supervisor or his/her designee of the activated employee will serve as the agency point of contact for the employee. The immediate supervisor or his/her designee and the employee will create a plan of communication for military leave over 90 days. Communication may be by email, telephone, virtual meeting platforms or other written communication and should occur at least once a month when possible.

C. The City of Fayetteville Human Resource Development Department Benefit's Specialist is the human resource point of contact. Employees on military leave for over 30 days are responsible for contacting the HRD Benefit's Specialist to ensure continued coverage of benefits and any responsibilities the employee may have while deployed.

D. Military leave for more than 30 days will require an employee to turn in all assigned equipment to the Supply Technician upon completion of their last duty day with the agency before beginning military leave. The equipment will be stored in the FPD supply room and will be re-issued upon the employee's return. All duty weapons will be turned in at the FPD Training Center.

E. Upon the employee's return from military leave, they will report directly to their Division Commander. In situations where the employee has been gone for more than 90 days the Division Commander will coordinate for:

1. All required training consistent with NC Training and Standard guidelines and FPD training requirements to include legal updates and firearms qualifications.
2. Reintegration and identifying any special needs an employee returning from military leave may have.
3. Re-issuing equipment.
4. The officer may also be assigned to an FTO to reacquaint and update the officer on any policy changes during their deployment.

F. Military leave exceeding 180 days will require:

1. An out-processing exit interview with the Chief of Police or his designee.
2. An in-processing interview with the Chief of Police or his designee upon return from military leave/deployment.

10.9.2 MILITARY LEAVE WITH OR WITHOUT PAY

A. The City of Fayetteville grants employees who are members of the military reserves or National Guard up to three weeks paid military leave (120 hours) in each calendar year. Officers may use acquired leave in lieu of paid military leave if desired or combine both.

10.9.3 REFERENCES

POL – 578 Military Leave Checklist

City of Fayetteville Employee Relations Manual

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

11.1.0 OBJECTIVE

To establish guidelines for the availability and use of the Employee Assistance Program.

11.1.1 PROCEDURES

A. The City of Fayetteville Employee Assistance Program (EAP) is a confidential program designed to help sworn and non-sworn members of the Fayetteville Police Department and their families.

B. The Employee Assistance Program is a confidential resource developed to help employees and their family members deal with the problems that affect their lives at work or home.

C. For detailed information regarding the use of the Employee Assistance Program, refer to City Policy #246, Employee Assistance Program.

D. If any employee of the Fayetteville Police Department reports abusing a child or committing a "serious crime" defined as any felony or any illegal substance use, the Employee Assistance Counselor is required to notify the Office of Professional Standards.

E. There are three limitations to the confidentiality, which are beyond the Employee Assistance Program provider's control:

1. If child abuse or elder abuse is reported, the EAP Counselor is required by law to inform the Department of Social Services.
2. If in the EAP Counselor's judgement a client is dangerous to him/herself or others (suicidal or homicidal), it is the provider's responsibility to do whatever is necessary, including breaking confidentiality, to protect a person from harm.
3. If, in order to comply with a court order, the EAP is required to present records and/or a counselor.

11.1.2 TRAINING

A. All supervisors will be trained on the Employee Assistance Program in Basic Supervisory Training. The training will cover their role and responsibility, program services and identification of employee behaviors which would indicate the existence of employee concerns, problems and/or issues that could impact employee job performance.

B. Information on the EAP use and guidelines is presented to new personnel during city orientation.

By Order Of: Gina V. Hawkins
Digitally Signed

11.2.0 OBJECTIVE

To describe the duties and responsibilities related to uniform bicycle patrols by the Bicycle Patrol Team Members.

11.2.1 PURPOSE

A. A Bicycle Patrol Team is established as a part time team for assignment to special events and activities based on operational needs of the Police Department. The Department uses bicycle patrols as a staffing resource to combine mobility and close citizen contact in specific assignment areas and areas not accessible to patrol vehicles. Bicycle officers will work closely with the community and implement community policing strategies in locations assigned for bicycle patrol activities.

B. Bicycle patrols will be used for various assignments and may include:

1. Routine Patrols
2. Directed Patrols
3. Investigative Patrols
4. Special Events
5. Crowd Control

11.2.2 SELECTION AND TRAINING

A. Bicycle officers will be selected in accordance with Written Directive 6.6, Specialized/Career Enrichment Assignments.

B. Bicycle officers are required to attend a Law Enforcement Bicycle Association (LEBA) police mountain bike certification course within one year after selection. When an LEBA course is not immediately available bicycle patrol officers will be required to attend the Department's in-house bicycle training course prior to being assigned to any bicycle patrol duties. Additional training may be coordinated and scheduled by the Bicycle Team Supervisor.

11.2.3 DUTIES AND RESPONSIBILITIES

A. Bicycle officers will ride in accordance with NC State Law and Fayetteville City Ordinance.

B. Officers will ride in a safe manner consistent with their training.

C. Officers will ride in pairs and will only ride solo under the direction of their immediate supervisor based on a special assignment or need.

D. Officers should maintain good physical condition to ride.

E. Officers will observe current weather for operations. Bicycle operations will be cancelled when severe inclement weather is expected.

11.2.4 UNIFORMS

A. Bicycle officers will be issued and wear an approved bicycle team uniform while operating a police bicycle. Issued uniform items include:

1. Issued helmet
2. Issued gloves
3. Eye protection

4. Bicycle approved shirt
5. Bicycle approved pants/shorts
6. Duty belt
7. Bullet proof vest
8. Police issued radio
9. Black low-cut socks
10. Black athletic type shoes or black riding shoes

Note: A hydration pack is highly recommended but optional at the expense of the bicycle officer.

11.2.5 EQUIPMENT

A. Officers assigned to bicycle patrol will inspect their bicycle prior to their tour of duty. Equipment to be kept on the bicycle will be mission specific and issued to each officer.

B. The following equipment will be operational on each police bicycle:

1. Headlight
2. Red rear light
3. Reflective devices

C. If the bicycle can be equipped the following items will be available:

1. Mounted air pump
2. Bottle Cage
3. Equipment bag

D. Officers will report all lost stolen or worn equipment to the bicycle patrol supervisor as soon as possible. Lost or stolen equipment will be handled according to standard department policy.

E. Upon leaving the bicycle patrol unit the officer will return all equipment back to the supply personnel or supply supervisor.

11.2.6 STORAGE AND MAINTENANCE

A. Bicycle patrol officers will secure their bicycles with an approved lock or handcuffs if the bicycle is not in view of the officer. When police bicycles are not in use, they will be secured at the Fayetteville Police Department or the approved police bicycle storage location.

B. Each bicycle officer will be assigned a bicycle and shall be responsible for the care and maintenance of their assigned bicycle and will keep all their equipment in good working condition.

C. If repairs are needed beyond the capability of the bicycle officer, they will coordinate with the Departmental LEBA Trained Instructors for repair or coordinate for the bicycle to be taken to a certified bicycle repair technician. The Bicycle Team Supervisor will conduct a documented bicycle inspection prior to all special events.

11.2.7 REFERENCES

WD 6.6 Specialized/Career Enrichment Assignments

By Order Of: Harold E. Medlock
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **11.3**
	Subject **COMMUNITY RELATIONS**	**Effective Date** 2 December 2024
	Revised 12-09-97, 02-25-02, 01-31-08, 02-11-11, 3-29-17, 06-07-18	**Page** 1 of 2
	CALEA Standard 44.1.1, 44.2.4	

11.3.0 OBJECTIVE

To establish procedures for the community relations function by fostering positive community relationships, promoting trust and transparency, and developing programs that enhance public safety and community well-being.

11.3.1 ASSIGNMENT AND FUNCTION

A. The community relations function is assigned to the Community Affairs Unit, and is responsible for coordinating outreach efforts, developing community based programs, supporting crime prevention initiatives, and facilitating communication between the Fayetteville Police Department and residents.

B. The Community Affairs Unit, which includes Crime Prevention Specialists, the Community Engagement Coordinator, and the Homeless/Code Enforcement Officer, will maintain a working knowledge of available community resources and establish connections with both formal and informal community and civic organizations.

C. The Community Affairs Unit will coordinate programs, demonstrations, and displays to support department activities.

11.3.2 RESPONSIBILITIES

A. Public Awareness

Department objectives, problems, and accomplishments will be publicized through:

1. Media releases
2. Social Media Outlets
3. Use of Community and Business Watch groups
4. Cable television programs (CPTV)
5. Public Forums
6. Public Presentations
7. Nextdoor.com

B. Surveys

The Accreditation Manager will coordinate a survey of citizen attitudes and opinions with respect to the following issues once every two years. Survey results will be compiled biennially and forwarded to the Chief of Police or his/her designee:

1. Overall department performance
2. Overall competence of department personnel
3. Citizens' perception of officers' attitudes and behaviors
4. Concerns regarding safety and security within the zone where the respondent lives
5. Concerns regarding the safety and security within the City of Fayetteville
6. Recommendations and suggestions for improvement

C. Educating Kids About Gun Violence (EKG)

The Community Engagement Coordinator is responsible for planning, coordinating, and supporting the Educating Kids About Gun Violence (EKG) program in collaboration with schools, community organizations, and stakeholders in Fayetteville. This program, taught in select schools within the City

of Fayetteville, aims to prevent youth gun violence by educating students on the legal, medical, and emotional impacts of gun possession and related violence. EKG also encourages students to explore safe options and make informed choices when faced with situations involving firearms.

By Order Of: Kemberle Braden, Chief of Police
Digitally Signed

11.4.0 OBJECTIVE

To identify procedures for Crime Prevention activities and the role of the Crime Prevention Specialists assigned to the Community Affairs Unit.

11.4.1 FUNCTION

A. The Police Department is committed to the development and implementation of comprehensive procedures and programs designed to anticipate, recognize, and appraise crime risks and to initiate action to reduce or remove such risks through the establishment of a Crime Prevention function.

B. Crime Prevention Specialists provide city wide crime prevention services to the Patrol Districts and operate under the direction of the Sergeant of Community Affairs.

11.4.2 PROGRAMS

A. Crime Prevention programs are prioritized and targeted based on the following:

1. Upon evaluation of pertinent data, a decision will be made as to which crime type presents the greatest problem, the locality where the problem is most severe, or how the program could be most productive.
2. Crime Prevention Specialists will target programs to address community perceptions or misperceptions of crime.
3. The Crime Prevention Specialists supervisor will coordinate to conduct a documented evaluation of crime prevention programs once every two years to identify community needs and whether these programs continue to be effective and useful in combating the current problems.

B. Community Watch Programs

Crime Prevention Specialists will:

1. Attempt to develop and implement new Watch programs in the City for business and residential communities.
2. Monitor established Community and Business Watch programs and attend meetings to keep the members interested and abreast of new materials and resources available to them.
3. Provide information on how to obtain crime statistics using FayPD.com or the FayPD mobile app to Community Watch and Business Watch coordinators.
4. Maintain a database of all active Community Watch Groups.

C. Active Community and Business Watch Groups will:

1. Consist of at least two or more citizens that meet a minimum of once per calendar year.
2. Maintain continuous contact with a Crime Prevention Specialist.
3. Provide a minimum of two weeks notice to a Crime Prevention Specialist of any upcoming group meetings.

D. Security Surveys

1. Crime Prevention Specialists will conduct residential security, business security, and robbery prevention surveys when requested or as an outreach opportunity based upon a crime trend that has been identified.
2. A written report will be provided to the citizen recommending ways to better secure the premises, directed toward reduction of criminal opportunity. A copy will be given to the resident or owner and the District Commander.
3. A copy of the completed security survey will be saved as a PDF and saved in Police Shares.

E. Community Presentations

1. Crime Prevention Specialists will support requests from individuals and civic groups to make presentations on topics related to crime prevention and security.
2. Crime Prevention Specialists will conduct a yearly Community Watch Council meeting to facilitate the exchange of information between the police department and community partners who serve as the coordinator for their respective Community Watch group.

F. Agency Referral Response

1. Crime Prevention Specialists will, in a timely manner, communicate verbally or in writing to various department personnel and/or organizational units any pertinent information they may receive from outside individual agencies.
2. Crime Prevention Specialists work closely with various community resource agencies to provide needed services to community businesses or residents.

G. Reporting

1. Crime Prevention Specialists will submit weekly reports to the Sergeant of Community Affairs. The Sergeant of Community Affairs will utilize the weekly reports to compile a Crime Prevention Specialist Monthly report. The monthly report will include:

    a) A description of current concerns voiced by the community.
    b) A description of potential problems that have a bearing on law enforcement activities within the community.
    c) A statement of recommended actions that address previously identified concerns and problems.
    d) A statement of progress made toward addressing previously identified concerns and problems.
    e) The current number of active Community and Business Watch groups.
    f) The number of Community and Business Watch meetings attended.
    g) The number of residential surveys, business surveys, and robbery surveys completed.
    h) The number of Crime Prevention through Environmental Design (CPTED) surveys completed.

2. Department personnel are responsible for forwarding information regarding relevant community concerns to the crime prevention specialists via e-mail.
3. In order to prioritize tasks, department personnel requesting Crime Prevention Specialists for in-depth tasks or to attend events will direct these type of requests to the Sergeant of Community Affairs.
4. Crime Prevention Specialists will provide input for new development requests by the City Planning Department and assist the City Inspections Department in development and/or revision of zoning policies, building codes, fire codes, and residential and commercial building permits.

By Order Of: Gina V. Hawkins
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **11.5**
	Subject **K9 UNIT**	**Effective Date** 22 May 2026
	Revised 10-27-87, 10-20-92, 07-25-96, 01-08-97,01-07-97 (Pg. 3 SP), 02-25-02, 08-25-02, 12-09-02, 05-15-04, 01-26-07, 01-09-14; 2-19-16, 03-18-22, 06-21-22, 09-21-23, 08-14-24	**Page** 1 of 6
	CALEA Standard 41.1.5	

11.5.0 OBJECTIVE

To establish a procedure for organizing and operating the Police Department K9 Team. Properly trained K9 teams will be assigned to supplement patrol and investigative functions.

The mission of the Fayetteville Police Department Office K9 Unit is to provide highly trained K9 teams as a resource to supplement patrol and investigative functions. These K9 Teams will be crucial in detecting and apprehending suspected criminals, narcotics, and other evidence and finding lost or missing persons.

11.5.1 ORGANIZATION

A. The K9 Team is a function of the Support Services Bureau. The team sergeant will direct administrative duties and train the unit.

B. The Team Sergeant will be responsible for the overall operation and inspections of the K9 Team. During routine patrol functions, K9 Officers are under the direct supervision of the Team Sergeant to whom they are assigned. The team sergeant will supervise the K9 Officers' day-to-day duties.

C. While scheduled to work, each K9 Team will be under the command of the K9 Unit Supervisor or their designee, who oversees their operations and ensures their readiness.

D. The K9 handler is solely responsible for applying a K9 in any situation.

E. The K9 Handler's authority to deploy the K9 should be based on consent, reasonable suspicion, probable cause, or exigent circumstances.

F. The K9 Unit Supervisor will assign and schedule the K9 Teams to support the Fayetteville Police Department's overall mission and goals.

11.5.2 SELECTION PROCESS

A. The selection process will consist of a posting period, reviewing the applicant’s personnel file containing incidents reported to IA, and a panel interview.

B. Candidates applying for a handler position will participate in a departmental-approved assessment center and complete the handler’s physical fitness standard.

11.5.3 K9 OWNERSHIP AND DISPOSAL

A. The team Sergeant and the Master Trainer will evaluate the suitability of K9s before they are purchased.

B. All Police K9s are the property of the Fayetteville Police Department and will not be used for purposes other than official duties.

C. If reasonable, retired or removed K9s may be placed with their handler. The handler must submit a request to purchase their K9 through the chain of command and have it approved by the Chief of Police and the City Manager. If the request is approved, the handler will pay one dollar ($1.00) and sign a written agreement releasing the City from liability.

11.5.4 K9 CARE

A. Veterinary Services

1. All department K9s are examined according to a schedule arranged by a veterinarian selected by the department. The veterinarian will administer to all medical needs; any treatment given will only be by their order.

2. K9 handlers may take the K9 to the nearest veterinarian for treatment in an EXTREME EMERGENCY ONLY with the approval of the K9 Team Sergeant or designee. The departmental-approved veterinarian will perform follow-up treatment.

3. A department-approved veterinarian will evaluate medical records to determine overall health.

B. Annual Leave, Sickness

1. When a handler takes annual leave or is unfit for duty, coordination will be made for the K9 to be housed and cared for by another handler with prior approval from the Team Sergeant or his designee.

2. If the K9 becomes ill or is unfit for duty, the handler will notify the department veterinarian and Team Sergeant, explaining the circumstances. The handler will then report for regular duty. Handlers who are kenneling K9s will make their request to the Team Sergeant, stating the reason for kenneling and the number of days required.

C. Home Care

1. K9 handlers will be allotted a maximum of 45 minutes per K9 daily to accomplish home care duties.

2. K9s will be kept at the handler's residence. The residence must be within the authorized distance for the vehicle take-home program. The handlers may rent or own their home, and the backyard should be fenced. The K9 will not be left unattended in its kennel if the yard is not fenced. The department will be responsible for equipment, food, kennel, and medical requirements.

3. A fenced yard is not required but recommended. If the yard is not fenced, the K9 will not be left in the kennel unsupervised and will be taken out regularly. If the yard is fenced, it will be maintained to ensure the K9 is secured when out of its kennel and to provide a second barrier to prevent the K9 from leaving the property. This will also keep the public from having access to the K9 kennel. Police K9s are working dogs and should not be commingled with your family or pets. During extreme weather events, reasonable accommodations should be made for the K9.

4. The handler is the only person authorized to take the K9 outside.

5. Each handler is responsible for the K9's daily care, hygiene, and exercise regimen to ensure the health and well-being of their assigned K9. All handlers are subject to home inspections by the K9 Unit Supervisor or the Unit's Master Trainer.

D. Training

1. Officers assigned to the Police K9 Team will complete an approved K9 Handlers course taught by an approved Master Trainer.

2. Fayetteville Police Department working dogs will train bi-weekly to the International Police Working Dogs Association (IPWDA) standards.

3. The handler will conduct the required on-duty training on duty days. This training will be properly documented and archived.

4. All training records will be completed by the end of the shift unless otherwise approved by the Team Sergeant, who will review them weekly.

5. The departmental Master Trainer will evaluate/recertify each K9 team quarterly. Any deficiencies will be documented and addressed with additional training.

6. Any documented deficiencies may result in the K9 team's removal from patrol duties until they are corrected.

7. All Police K9's and their assigned handlers will successfully complete an approved initial training program as a team and demonstrate operational proficiency prior to deployment.

11.5.5 OPERATIONS

A. General Guidelines

1. The K9 will remain secure in the vehicle kennel unless used during training, deployment, or general exercise of the K9. The handler will not allow the K9 access to other areas of the vehicle unless in the performance of duty.

2. All tracks or searches require a second officer to accompany the K9 team. If contact is made with a suspect, the K9 officer and their secondary officer will utilize approved departmental contact and cover procedures.

3. Police K9s will not be used for crowd control.

4. K9 Handlers shall adhere to the department's body-worn camera policy, OP 3.24 Law Enforcement Recordings.

5. The K9 team sergeant shall adhere to the department's body-worn camera policy, OP 3.24 Law Enforcement Recordings.

B. Call-out Procedures

1. Any police officer may request K9 services at the scene of an incident. If a K9 team is not on duty, the requesting officer's immediate supervisor will determine whether to utilize the on-call K9 roster.

C. K9 Deployment

Dual purpose K9s and their K9 Handlers are cross-trained to perform multiple Law Enforcement K9 functions.

The Police K9s can be utilized in the following situations:

1. Article Searches

   A K9 team may be requested if there is reason to believe a suspect has discarded evidence by dropping the item while in flight or has attempted to hide the item in a field, wood, or other open area.

2. Building Searches

   Before conducting a building search, the Handlers will articulate the authority to deploy the K9 based on consent, reasonable suspicion, probable cause, or exigent circumstances.

   a. No K9 will be used in a building search without first issuing verbal warnings of the intent to clear the building with a police K9. The handler must:
      1. Use a patrol vehicle public address system, bullhorn, or loudspeaker; the handler will identify himself, give instructions for surrender, and notify the occupants that a trained police K9 will be released if they fail to surrender according to instructions.
      2. The warning will be given twice before releasing a K9 into the building.
      3. The K9 handler will record the warning using his body-warn camera or in-car system

   b. The K9 Verbal Warning should consist of the following:
      1. The officer's name.
      2. The intent of the Fayetteville Police Department to clear the building.
      3. Warning to exit the building and comply with officer commands.
      4. The intent to use the Police K9.

3. Tracking and Trailing

   All tracks or searches require a second officer to accompany the K9 team. If a suspect is contacted, the K9 officer and their secondary officer will utilize approved departmental contact and cover procedures. Other officers should remain out of the area to avoid contamination.

4. Narcotic Detection

   a. Narcotic Detection K9s are utilized to detect and find any narcotic or drug that the K9 is certified by training to detect. The use of a Narcotic Detection K9 is authorized under the following conditions and circumstances:
      1. The K9 handler will be responsible for confirming that the requesting officer has obtained either consent to search, reasonable suspicion, probable cause, or exigent circumstances before any search. Depending on the facts and circumstances, K9 handlers may conduct free air sniffs that do not implicate or violate the Fourth Amendment.
      2. Criminal prosecution is the intended goal.
      3. Demonstration or training purposes.
      4. Searches may only be conducted on or around inanimate objects without reasonable expectation of privacy. Narcotic Detection K9s may not be used to search persons.
      5. Random exploratory or "sniffing" of luggage, packages, or other inanimate objects may be conducted in public facilities such as airports, train stations, or bus terminals, as authorized by the K9 Unit Supervisor, providing that the items to be "sniffed" are not in the actual physical possession of the suspect, unless there is reasonable suspicion that the personal possession contains illegal drugs or the evidence of a crime and the time required to conduct a sniff is limited in duration.
      6. Exploratory sniffing shall be conducted without undue interference or annoyance to the public or interruption of facility operations.

7. K9 sniffs of the exterior of residences, either individual dwellings or the common areas of multiple unit dwellings not generally open to the public, are not permitted without a search warrant, consent of the property owner or person having control of the property, or when exigent circumstances are present.
8. When applying a narcotic detection K9, the K9 handler will assume the search area. During the search, a secondary officer shall accompany the K9 Team and take control of any evidence detected by the K9 Team. Upon completion of the search by the K9, all information and areas searched shall come under the control of the originating officer.
9. The use of Narcotic Detection K9s in schools is limited to situations where there is reasonable suspicion that illegal drugs are being sold, possessed, and consumed on the school premises. The Narcotic Detection K9 search shall be limited to inanimate objects with no reasonable expectation of privacy. Before any K9 searches, K9 Handlers shall notify the school Principal or designee when reasonable.

5. Search Warrant Execution

When requested to assist on a narcotic search warrant, the K9 handler will be given as much advance notice as possible as to the type of search, whether residential, open field or vehicle and the type of narcotics expected to be found.

When executing a search warrant, officers will secure the scene, contain all persons present in a common area and make no search other than for weapons. Once secured and the search warrant served, the K9 team will enter and begin the search. As the search progresses, persons present will be moved to a secured area already searched by the K9 team. Once the team has cleared an area or room, officers will conduct a secondary search.

6. Vehicle Search

When a request for a vehicle search is made, the officer at the scene will not search the vehicle before the K9 team arrives. The investigating officer at the scene will secure the vehicle. When a K9 team searches a vehicle, the citizen must be separated from the vehicle.

7. Explosive Detection: The Explosive Detection K9 Teams will be trained to detect various explosives and will be recertified annually. The team sergeant will maintain a list of explosives.

   a. Training aids will be maintained at the Training Center in an approved magazine. These items will only be transported from the Training Center using an approved method that is safe and reliable for the handler and other citizens on the roadway.
   b. Only the Team Sergeant, Master Trainer, or Explosive Detection Handler will transport the explosives to any other area for training.

11.5.6 K9 USE OF FORCE

A. Handler's Responsibilities

Police K9 handlers operate under the Fayetteville Police Department's WD 4.1 Less Lethal Use of Force and Reporting policy. Their actions must be reasonable and justified. All K9 deployments, including uses of force, apprehensions, and searches will be documented and tracked for review and analysis in accordance with department reporting procedures.

11.5.7 MUTUAL AID

A. K9 services will only be provided for mutual aid assistance when authorized by the Chief of Police

or his designee. The Team Sergeant will be notified when the requesting agency is outside the Fayetteville Police Department's jurisdiction. Requests for mutual aid will be made in writing or through the N.C. Division of Criminal Information. This message must be received before a K9 team is assigned. This message will include the name of the requesting agency, the nature of the call, the contact person, and the telephone number.

B. The Team Sergeant will be consulted in determining the K9 Team's suitability to respond to a particular type of request for assistance by another agency. The responding K9 Handler will complete a mutual aid report.

11.5.8 SPECIAL EVENTS

A. These are police working dogs and will be used in an approved departmental manner. They will not be teased, petted, or fed by the public. K9 requests for special K9 demonstrations will be screened and are subject to approval by the Major or his designee. These demonstrations will highlight the K9's capabilities and simulate a real-world scenario.

11.5.9 REFERENCES

OP 3.24	Law Enforcement Recordings
WD 4.1	Less Lethal Use of Force and Reporting

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **11.6**
	Subject **NEIGHBORHOOD IMPROVEMENT TEAM**	**Effective Date** 13 January 2026
	Revised 09-05-95, 02-25-02, 08-01-04,02-17-09, 12-05-13, 08-24-23.	**Page** 1 of 2
	CALEA Standard 3.1.2	

11.6.0 OBJECTIVE

To establish procedures for the Neighborhood Improvement Team (NIT).

11.6.1 FUNCTION

The NIT will concentrate their efforts on the Fayetteville Metropolitan Housing Authority (FMHA) neighborhoods. The NIT is a specialized function within the department and is used as a support unit for community policing activities and problem-solving projects in these areas. The NIT unit will work daily with the management of the FMHA. Officers assigned to NIT will have the same opportunities as any other officer within the Fayetteville Police Department, which includes employment rights, promotional opportunities, and training opportunities.

11.6.2 SELECTION

NIT officers are a specialized assignment, assigned at the discretion of an interview panel and the approval of the Chief of Police.

11.6.3 SUPERVISOR RESPONSIBILITIES

The Community Resource Team Supervisor is responsible for:

1. Coordinating the daily operations of the Neighborhood Improvement Team.
2. Ensure the FPD Mobile Command, maintenance, and inventory are completed on a monthly basis.
3. Maintain an on-call list for after-hour response of the mobile command unit.
4. Ensure NIT officers are involved in community engagement activities, to include but not limited to PAL and Youth Cadet events.

11.6.4 OFFICER RESPONSIBILITIES

A. In addition to police patrol operations, NIT officers are responsible for the following tasks related to their NIT assignment for FMHA:

1. Background checks on all new residents.
2. Maintain trespass list.
3. Assist with evictions.
4. Maintain inventory of all FMHA property assigned to police personnel.
5. Maintain office at the Old Wilmington Road Neighborhood Resource Center.
6. Plan and work specials such as checks for unauthorized persons, traffic check points and criminal violations on FMHA properties.

B. While FMHA contracts for a specific number of positions the NIT Unit is responsible for assisting the Department with other activities that do not deplete the contract fulfillment requirement and includes:

1. Community Engagement Events
2. Special event staffing.
3. Mobile Command Post on call response.

11.6.5 STRATEGIES

A. The NIT will use community policing and problem-solving strategies to develop innovative approaches for solving and preventing crime problems within FMHA communities and housing. NIT officers interact with residents to build community partnerships and obtain information on criminal activity in FMHA neighborhood(s). Police patrols will be varied including foot, ~~bicycle~~ and vehicle patrols.

B. NIT officers will use City codes and work with the Code Enforcement Team to remove potentially hazardous structures and clean areas that are unsightly and present hazards to the community. When applicable, the officers will work in conjunction with Nuisance Abatement Officials to utilize the Nuisance laws to rid a neighborhood of persisting problems such as drug houses or other locations that continually present a threat to the community.

C. The officers will seek assistance from other departments to include but not limited to Community Development, Parks and Recreation and other community and private agencies designed to assist citizens and neighborhood communities.

11.6.6 REFERENCES

OP 3.20 Special Purpose Vehicles

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

11.7.0 OBJECTIVE

The objective is to establish guidelines for the general organization, administration and operations of the Electronic Monitoring Program. The Electronic Monitoring Program is implemented to deter criminal activity and to encourage repeat priority offenders to discontinue their pattern of criminal activity.

11.7.1 DEFINITIONS

Curfew – A judicially imposed requirement that an offender be at a designated location for a specific time period.

Electronic Monitor (EM) – A battery operated device attached to the offender, which utilizes GPS and cell phone triangulation to collect offender locations. Data collected by the monitor is transmitted via cell phone to a monitoring center.

Electronic Monitoring Standard Operating Procedures (EM SOP) – A detailed set of standards that will be referred to when nominating, monitoring, and/or removing an offender from the program. The EM SOP will also provide guidance in regards to maintenance of all equipment.

Global Positioning System (GPS) – A collection of satellites used to triangulate signals that determine the position of the GPS receiver on earth.

Monitoring Center – The location where data from each offender's GPS monitor is collected and analyzed.

Priority Offender Selection Committee (POSC) – The committee responsible for reviewing offenders nominated for Electronic Monitoring.

Territorial Restrictions – A judicially imposed requirement that the offender refrain from entering a designated area. This requirement is generally a 24-hour exclusion from an area.

11.7.2 OFFENDER SELECTION

Offenders who are elected for electronic monitoring are selected through a process established by FPD with approval from the Cumberland County Court System and the District Attorney's office. The purpose of this process is to ensure consistency in the selection criteria and ensure offenders who are selected pose a continued threat to the community.

Offenders will be considered for electronic monitoring based on their criminal history, threat to the community, and pending charges. Offenders with a pattern of recidivism, which includes robbery, breaking or entering offenses, and auto theft, should be prioritized for this program. The referral process, guidelines, and nomination procedure is covered in the EM SOP.

11.7.3 RESPONSIBILITIES

A. Supervisor Responsibilities

The primary responsibility of the Electronic Monitoring supervisor is to supervise the personnel of the Electronic Monitoring Program and oversee the electronic monitoring leased devices. The EM supervisor will ensure that an adequate number of officers within the Department are trained on the Electronic Monitoring Program.

B. Officer Responsibilities

Officers assigned directly to the EM supervisor are responsible for obtaining orders for electronic monitoring of priority offenders and to effectively implement the actions of the orders that are obtained. EM trained personnel are responsible for patrol response for offenders who are in violation of the program and providing other operational support duties for the EM program as described in this procedure.

11.7.4 PROCEDURES

When Electronic Monitoring is ordered, the EM supervisor or EM trained personnel will monitor offenders wearing the GPS devices.

11.7.5 ALERT PROTOCOLS

Refer to the EM SOP for a general overview of how FPD will respond to offender alerts. EM officers must remain cognizant of the various offender risk levels and other variables out of their control. A brief synopsis of some of these variables is listed; for a detailed explanation of these variables refer to the EM SOP.

A. Low Battery

Officers trained on the Electronic Monitoring Program will receive an instant alert, if an offender fails to properly charge their device. If contact with the offender cannot be made by phone, officers will monitor the battery level and if necessary dispatch a patrol unit to make contact with the offender.

B. Location & Communication Failures

These alerts are often due to the environment or loss of battery power. Location and communication failures often clear automatically within minutes when the offender moves to a different location or places their monitor on charge. These alerts should be tracked to determine if the offender is manipulating the device to cause these failures.

C. Exclusion Zone Violations

If the offender is on electronic monitoring and is excluded from a location or area, officers should respond based on EM SOP guidelines.

D. Inclusion Zone Violations

Court ordered inclusion zones are established to keep an offender at a specific location for a specific time period. If the offender violates (leaves) the inclusion zone, officers should respond based on EM SOP guidelines.

E. Device Tamper

Device tamper alerts occur when the sensors on the back plate lose connectivity with sensors embedded within the monitor. False device tamper alerts sometimes occur if the device is sharply jarred, causing the back plate to slightly move. The only way to determine if an alert is false involves inspecting the device. When a device tamper alert occurs, the EM officer will follow the EM SOP procedure.

F. Strap Optical Alerts

Strap optical alerts occur when the fiber-optic lines in the strap lose connectivity. Strap optical alerts are rare and should be treated as critical incident. Improper responses to strap optical alerts can result in the loss of an offender or equipment. An EM officer will follow the EM SOP procedure if a strap optical alert is received.

G. Violations

The Fayetteville Police Department's Electronic Monitoring Program provides for the monitoring of high risk and chronic offenders as a condition of release. Violations will be handled in a manner that best serves the interests of public safety and the community.

All offenders on the EM Program have specific court imposed restrictions which include curfews and or territorial restrictions. The EM supervisor and officers will recognize that some discretion must be used when enforcing these restrictions. The EM SOP guidelines will be used in determining when a participant should have violations of their conditions of release reported to the courts.

H. Territorial Restrictions

Areas designated as territorial restrictions should avoid major roadways adjacent to the perimeters of the zone when possible. The EM officer who receive and investigate the violation will determine if the offender merely crossed the edge of the zone for a short period of time or willfully entered the zone. If the offender is being monitored for other person or property cases, no more than one warning should be given before an Order for Arrest (OFA) is sought. If a warning is given, the EM officer will document the violation and confirm the offender is aware of the territorial restriction.

I. Curfew Violations

If an offender has a pattern of violating their curfew or willful disregard for the court imposed curfew, an EM officer will seek an OFA for failure to comply. Factors that should be considered before seeking an OFA should include the length of time on monitoring, the number of violations, offender's communications prior to the violation, previous warnings, transportation issues, work/school conflicts, and the location of the offender at the time of the violation.

J. Charging Issues

Offenders are given oral, written and visual instructions on proper charging. FPD will make all efforts to ensure that the equipment is working properly. If an offender shows a pattern of willful refusal to properly charge the monitor, the offender will be warned and the warning will be documented. In cases where the offender refuses to properly charge the monitor, an EM officer will seek an OFA

K. Tampering or Removal

If an offender willfully tampers with or removes the monitor FPD will seek a WFA for interfere with Electronic Monitoring Device and an OFA for Failure to Comply. In cases where the monitor is damaged, officers can make an on scene arrest for the new charges, then seek and OFA for the failure to comply.

11.7.6 CRIME SCENE CORRELATION

A. FPD's Crime Scene Correlation automatically associates data from the offender's monitor with recently reported crimes. When the data from the two sources intersect, a potential; crime scene correlation hit report will be generated

B. FPD automatically retrieves offender data from Omnilink each night. The data includes each offender's full accumulation of location data points for the previous day, as well as, the date and time for which the point was taken. A unique offender identifier is also attached to each dataset. Crime data is automatically gathered from RMS record management system including the date and time range for the crime along with the longitude and latitude for the location of the crime. Predetermined variances are configured around crime locations, including the time range for and distance from an address center point.

C. A daily report which is a review of the crime reports to locate potential electronic monitoring hits is generated by the Crime Information Center. The report will be divided by crime and will be made available to the EM Unit, Detective Supervisors and Patrol Supervisors.

D. The Crime Information Center Unit will prepare a daily review of crime reports to review potential electronic monitoring hits. The Electronic Monitoring Supervisor is a resource for the patrol and investigative division for real time proximity reports.

E. Officers or detectives suspecting that an offender on the Electronic Monitoring Program has been involved in a specific crime can contact the Electronic Monitoring Program Unit for a real time proximity report to determine if any offenders were in the area of a specific crime. These proximity reports have a delay time of 30 minutes. If a correlation is made between the data points and reported crime, The EM unit will forward the proximity report to the Patrol Supervisors, Detective Supervisors and the assigned Detectives.

By Order Of: Gina V. Hawkins
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **11.08**
	Subject **CRIME ANALYSIS UNIT**	**Effective Date** 11 July 2018
	Revised 01-11-89, 10-14-93, 12-23-92, 02-25-02, 09-10-04, 07-07-10	**Page** 1 of 1

This Operating Procedure was rescinded on July 11, 2018.

11.9.0 OBJECTIVE

To establish guidelines for survivor assistance related to the death of an officer in the line of duty.

11.9.1 DEFINITIONS

A. Line of Duty Death - any action, felonious or accidental, that claims the life of a police officer who is performing work related functions either while on or off duty.

B. Active Officer Death – a death that was determined to be accidental death, natural death, suicide, long term sickness, officer on leave of absence or suspension (case by case evaluation with approval from Chief of Police).

C. Retired Officer Death – any retired sworn police officer who retired in good standing with the City of Fayetteville.

D. FPD Medal of Valor Recipients – any current or former police officer who was the recipient of the Fayetteville Police Department Medal of Valor Award and was in good standings.

E. Chief of Police in Good Standing – current or former Chief of Police who has died while in good standings with the City of Fayetteville.

F. Career Civilian Department Employee – a civilian employee assigned to the Fayetteville Police Department for seven or more years of continuous service and their death was determined to be an accidental death, natural death, or a long term sickness.

G. Survivors - immediate family members of the injured or deceased officer; spouse, children, parents, siblings, fiancé and significant others.

H. Beneficiary - those designated by the officer as recipients of specific death benefits.

I. Next of Kin (NOK) - the closest relative of the deceased; spouse, parents, brothers or sisters and children.

J. Funeral Payments - financial payments made to surviving families of an officer killed in the line of duty which are specifically earmarked for funeral expenses.

11.9.2 RESPONSIBILITY

A. In the event of a line of duty death, active officer death or career civilian death, or serious injury, a Survivor Assistance Officer (SAO) will be appointed to render assistance and provide necessary information to the next of kin (NOK). In order to prevent duplication of effort, maintain order and ensure that the process works for the benefit of the officer and family, the SAO will coordinate all department functions relating to the incident.

B. Survivor assistance to the next of kin (NOK) will be provided for the entire time it takes to settle all employment related personal affairs.

C. Personnel assigned to tasks regarding this policy according to the Fayetteville Police Department Funeral Protocols Quick Reference Guide will be placed on special assignment and will not be available for routine calls until relieved of the SAO duty. The SAO will complete the department Survivor Assistance Report within thirty days of assignment.

D. The District Commander or his/her designee will notify the City of Fayetteville Safety Officer immediately. The Safety Officer is responsible for notifying OSHA **within 8 hours** of the incident resulting in a fatality.

11.9.3 DEATH NOTIFICATION

A. The name of the injured or deceased employee will be released by the Public Information Officer to the media or other parties only after notification has been made to the immediate family.

B. If an immediate family member has a known medical condition, medical personnel will be dispatched to the residence to standby while the notification is made. Notification will always be made by two or more persons. The Chief of Police, or his designee and the SAO will make the notification. If possible, Chaplain personnel can also be used.

C. If the above suggested persons are not readily accessible, notification will be made by an on-duty supervisor, after consultation with the Chief of Police. The opportunity to get the family to the hospital prior to the demise of the officer is significantly more important than who delivers the notification.

D. As soon as most public safety family members see you, they will know something is wrong.

1. Ask to be admitted to the house. Do not make a notification on the doorstep.
2. Gather everyone in the home and ask them to sit down.
3. Inform them slowly and clearly of the information regarding the incident.
4. It is important to use the officer's name during the notification.

E. If the officer has already died, relay that information in order to avoid giving the family a false sense of hope. Personnel must be prepared for unexpected responses from the NOK to include hysteria and possible verbal or physical attack, anger, fainting, shock, etc.

11.9.4 ASSISTING THE FAMILY AT THE HOSPITAL

A. The SAO will act as the information liaison for medical personnel to the family of the officer and fellow officers. The SAO will prepare the family for what they might see and accompany them into the emergency room.

B. The SAO will be responsible for ensuring that all medical bills, relating to the care and treatment of the officer, are sent to the agency.

1. This will require the SAO to have essential information regarding the officer. The officer's residence address and next of kin information will be omitted on the admitting form.
2. Do not ask a family member to sign as guarantor of payment for treatment.
3. Omit requests for any insurance information.

C. If it is possible for the family to visit the officer, they will be afforded the opportunity to do so. Arrangements will be made by the SAO for transportation of the family back to their residence or other desired reasonable destination.

11.9.5 SUPPORT FOR THE FAMILY DURING THE WAKE OR FUNERAL

A. The SAO will ensure that the needs of the family come before the wishes of the department. Unless the family requests otherwise, the SAO will meet with the family regarding funeral arrangements.

1. Since many officers have not pre-arranged their wishes for funeral arrangements, the family will most likely have to decide all aspects of the funeral.
2. The department should make the family aware of what they can offer in the way of assistance if the family decides to have a Line-Of-Duty funeral.

B. If the funeral is a Line-of-Duty funeral, the SAO will ensure the family is briefed on the funeral procedure in accordance with the Fayetteville Police Department Funeral Protocols Quick Reference Guide. In the event the family should decide to grant an interview, the PIO would attend and offer to screen all questions presented to the family so as not to jeopardize upcoming legal proceedings. If the NOK desires to have a full police honor guard, the SAO will contact the honor guard to make the necessary arrangements.

C. Military Honor Guard

1. If the NOK desires to have a full military honor guard, this service can be arranged by having the funeral home of their choice call the Fort Bragg Casualty & Mortuary Office at 910-396-9901 or 910-309-6463 (on-call 24-hour number). The NOK or SAO can only request a full military honor guard if the deceased officer is a military retiree who served or departed under conditions other than dishonorable.

D. Police Uniform

If the deceased officer was an active member of the Police Department, one of the officer's issued uniforms may be provided. The SAO will ensure the return and clearance of all other issued clothing and equipment. If the deceased officer was a non-active member or a retiree who left the police department in good standing, the police department will provide a police uniform for burial, if requested.

E. Flag

1. The NOK is entitled to a United States Flag, to be presented at the graveside service. If the deceased officer was prior military, the flag can be obtained from any Veteran's Administration regional office or U.S. Post Office at no charge, with certified proof of the officer's death and prior military service. Generally, the funeral director will help you obtain the flag.
2. If the deceased officer was not prior military, a flag may be obtained at no cost through Woodsmen of the World Life Insurance Society with certified proof of the officer's death. (Note: This has been verified)
3. Upon receipt of the flag, the SAO will take it to the cleaners to have the folds and wrinkles pressed out before draping the casket.

11.9.6 PROVIDING INFORMATION

The SAO will gather information regarding all department, association and federal benefits available to the surviving family in accordance with the Fayetteville Police Department Funeral Protocols Quick Reference Guide. The SAO will become familiar with all information concerning the death and continuing investigation in order to answer the family's questions. If criminal violations surround the death, the family will be informed of all developments prior to any press release. Information regarding court proceedings will be relayed to the family as soon as it becomes known.

11.9.7 AVAILABLE BENEFITS AND ASSISTANCE

A. Social Security

The SAO will accompany the NOK to the local Social Security Office to find out what benefits are available and initiate the application process.

B. VA Basic Burial Allowance

If the deceased officer has prior military service, the NOK is entitled to a basic burial allowance.

When the veteran's death occurs as the result of a service-connected disability, an amount, as established by law, may be paid in lieu of the basic burial allowance and possibly an extra amount for internment or plot allowance. When the veteran is buried in a private cemetery, the SAO should assist

the NOK in making application for this payment through the funeral director and recommend the NOK permit this sum to be paid directly to the funeral director, to be deducted from the total funeral bill. If the SAO has questions pertaining to VA death benefits, he/she should contact the Cumberland County Veteran's Service Office.

C. Financial Assistance

If immediate financial assistance is needed, the following organizations may be able to assist the family during the interim period when death benefits have not yet been received.

1. United Way of Cumberland County
2. American Red Cross
3. Salvation Army
4. Ft. Bragg / Pope AFB Family Services
5. U.S.O. - off post
6. Most local banks or loan agencies around the City of Fayetteville
7. Law Enforcement Emergency Relief Fund
8. Fayetteville Police Foundation

D. City or State Life Insurance

This information can be obtained from the Human Resource Development Department.

E. Commercial Life Insurance

If the deceased had commercial life insurance and the NOK is the beneficiary, the company involved will require a death certificate and a claim form for each claim. The claim may be made by either of two ways.

1. Request a copy of the claim directly from the insurance company's main office after which the form should be completed and mailed with death certificate to the company's main office or as the claim form directs.
2. Request that a representative of the insurance company personally visit the NOK in his/her home after a death certificate has been received.

F. Settlement of Accounts

1. If the deceased had borrowed money or had purchased any large items such as home, auto, major appliance, etc., on a credit basis, check the lending agency, department store, etc., to determine whether insurance is carried against the unpaid balance of the loan.
2. Bonds, CDs, IRAs, stocks, savings accounts, etc., owned wholly by the deceased or jointly by the deceased and the NOK must have ownership changed to the NOK as soon as possible following the death. This change in ownership may be accomplished by taking the bonds, etc., the NOK and a death certificate to the facilities that issued them and have the appropriate paperwork initiated. If the bonds were joint, 50% of the market value must be reported as part of the deceased's estate; 100% must be reported if the deceased owned them.

G. Income Tax

A widow(er) is normally entitled to file a joint income tax return for the year in which his/her spouse died. A W2 form will be needed for most tax matters and for social security in some cases. The W2 is normally sent to the individual or can be obtained by contacting the City of Fayetteville Finance Department. If the NOK is not a widow of the deceased, please check with the Finance Director at City Hall.

H. Military

If the deceased officer is retired military, the SAO will coordinate with the military SAO regarding retirement checks and other benefits.

11.9.8 NECESSARY DOCUMENTATION FOR APPLICATION OF BENEFITS

A. Official Statement of Death

The NOK must purchase North Carolina Death Certificates. A certified copy of the death certificate will be required for the following:

1. Each commercial insurance policy.
2. VA, for insurance policy.
3. Social Security, if the deceased was insured for Social Security Benefits.
4. Legal matters, probating will, cashing bonds and affidavit of heirship for automobiles.
5. Internal Revenue Service.
6. Future legal developments.
7. NOK should always keep one copy of the death certificate in his/her possession.

B. Wills and/or Personal Affairs Records

1. The personal property record normally is a written or signed record stating where important papers may be found, indication of location of bank accounts, safety deposit boxes, items of property owned, and listing of all ligations (including taxes) with details as to any payments that must be made on them.
2. The SAO will ask NOK if he/she knows of a "will", if so, he/she should locate the original. Escort the NOK along with a copy of the death certificate, will and a list of real property to the County Courthouse, Estates Division. Information on this procedure may be obtained from the Police or City Attorney, keeping in mind that they cannot become involved in probating the estate.

C. Other Documentation

1. Statement of Days Worked and Earnings of Injured Employees, signed by Chief of Police.

2. Form #29 Supplementary Report for Fatal Accident, completed by a Worker's Compensation Representative from Raleigh and signed by Chief of Police.

3. The following is a list of certain documents needed by the various agencies to which application for benefits will be made.

   a) Death Certificate.
   b) Marriage certificate.
   c) Birth certificates of each minor child under (18) years of age.
   d) Birth certificates of each unmarried child, age (18-26) also up to age (26) when service connected.
   e) Deceased's social security number.
   f) Deceased's Veterans Administration (VA) claim number or other papers pertaining to correspondence with the VA if he/she ever submitted a claim.
   g) Deceased's City, State or Federal Insurance policy number(s), together with papers the NOK may have which show him/her as the beneficiary.
   h) All discharge papers, or other paper reflecting the military service of the deceased.
   i) All divorce decrees, death certificates or annulments that terminated any prior marriage, either of the deceased or the widow.
   j) Adoption papers for any minor child, if applicable.
   k) If any child is handicapped, before reaching age (18) a statement from competent authority to this effect.
   l) The NOK's birth certificate.
   m) Deceased's birth certificate.

n) Automobile Titles.
o) Deeds for all property.
p) Copy of deceased's will, if any.
q) Papers pertaining to any unpaid loan(s).
r) Treasury department W2 forms, to show income received and income withheld from pay during the last year in which the deceased worked.
s) Citizenship papers, if the NOK, children or the deceased has applied for or received citizenship.

11.9.9 RESOURCES

Fayetteville Police Department Funeral Protocols Quick Reference Guide

By Order Of: Kemberle Braden
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **11.10**
	Subject **POLICE SPECIALIST PROGRAM**	**Effective Date** 10 June 2024
	Revised 08-24-90, 08-23-91, 07-19-93, 08-02-95, 03-12-96, 09-24-96, 10-30-97, 09-11-01, 02-25-02, 02-07-03, 02-02-09, 07-09-10, 12-6-13, 01-28-18	**Page** 1 of 1

This Operating Procedure was rescinded on June 10, 2024. Its contents were incorporated into the Operating Procedure 2.02, Field Training Officer/Police Specialist Program.

By Order Of: Kemberle Braden, Chief of Police
Digitally Signed

11.11.0 OBJECTIVE

A. This policy establishes the personnel, equipment, and training requirements for the operations of the department Honor Guard.

B. The Honor Guard is a resource designed to professionally represent the department at fallen members' funerals, retired officers' funerals, memorials and promotion ceremonies and any event that is designed to present the American Flag.

11.11.1 UNIT COMPOSITION AND POLICY

The Fayetteville Police Department Honor Guard will consist of police command personnel, sergeants, and members.

A. Honor Guard Personnel

Honor Guard Commander – The Honor Guard Commander will be selected by the Chief of Police. The Honor Guard Commander will hold the rank of Captain or higher. The Honor Guard Commander will have overall command authority of the Honor Guard unit.

Honor Guard Coordinator – A member with the rank of Lieutenant that is assigned to the Honor Guard for the purpose of member supervision and authority in all matters pertaining to the internal organization of the Honor Guard Unit. In addition, the coordinator schedules approved events and ceremonies for the unit and schedules quarterly training. The Honor Guard Coordinator is also responsible for insuring all of the issued Honor Guard equipment is in proper working order. The Coordinator will maintain the training records for the Honor Guard Unit. The Honor Guard Coordinator will forward a memorandum to the Honor Guard Commander documenting the activities of the Honor Guard each quarter.

Honor Guard Event Lead – Member (rank of sergeant or officer) assigned by the Honor Guard Coordinator to coordinate the on-site efforts of the Honor Guard detail. The Event lead is also responsible for reporting the date, times and member participating at the event to the Honor Guard Coordinator to documenting member participation.

Member – Sworn officers of the Fayetteville Police Department assigned to the Honor Guard Unit on a voluntary basis to provide essential functions of an Honor Guard member.

A total of 14 members will be assigned to serve with the FPD Honor Guard Unit.

B. Operational Procedures

1. Request for Honor Guard services must be submitted to the Honor Guard Coordinator for approval and assignment.
2. When the Honor Guard is requested and approved, the Honor Guard Coordinator who will determine member availability by departmental e-mail. Honor Guard members will notify the Honor Guard Coordinator of their availability to attend a requested event.
3. Honor Guard members participating in events while in an off-duty capacity will report their time to their immediate supervisor for compensation.
4. The following represents typical situations where the Honor Guard may be utilized:
    a) Funerals/internments of active and retired Fayetteville Police Department personnel who served and separated honorably from the FPD.
    b) Memorial ceremonies
    c) Parades

d) Awards Ceremonies
e) BLET Graduations
f) Department Promotion Ceremonies
g) Formal functions
h) Department sanctioned functions (i.e. hosted conferences, etc.)
i) Other events as approved by the Chief of Police and/or the Honor Guard Commander.

5. Honor Guard members may be requested to travel to other states to represent the department for in-the-line of duty deaths as approved by the Chief of Police.
6. Honor Guard members may be authorized to travel to events/activities within the State of North Carolina to represent the department at formal functions and/or law enforcement funerals as approved by the Honor Guard Commander.
7. A Firing Party Commander and members will be selected for those events which require a firing party.

C. Selection of Unit Members

All Honor Guard members serve at the discretion of the Honor Guard Commander and may be relieved of their duties with relevant justification. The justification for dismissal may include, but is not limited to, in adequate performance, inability to perform required duties and essential functions of an Honor Guard member, failure to attend scheduled training, violations of departmental Rules of Conduct or lack of consistent participation in Honor Guard events. **The members may also be dismissed if appropriate physical appearance is not maintained.**

As vacancies occur on the Honor Guard, the Honor Guard Commander will determine when the need exists to initiate a selection process. The selection process shall consist of the following:

1. The vacancy will be posted department wide for the selection of Honor Guard Members. Officers interested in participating in the process will submit a letter of interest indicating prior experience and training. It is not a requirement to have previous experience to become a member.

2. In order to be eligible, members must be non-probationary employee with the FPD as of the date of the announcement of the vacancy.

3. The Honor Guard Coordinator will request a recommendation from the applicant's current chain of command for selection and evaluate all the relevant information received. The Commander will then determine which applicants are to be scheduled for the assessment process.

4. The assessment process will consist of a basic drill and ceremony exercise and an oral interview. The ideal candidate will present a professional appearance that promotes confidence, represents the department in a professional manner, and is willing to commit the time needed to train, prepare, and participate in required activities.

5. An assessment and interview panel comprised of two senior Honor Guard members and the Honor Guard Coordinator will evaluate the applicant and make recommendations to the Honor Guard Commander.

6. Final determination will be made by the Chief of Police based on recommendation from the Honor Guard Commander.

D. Training

1. All members of the Honor Guard will attend quarterly 4-hour training sessions, as well as any other training/rehearsals required for specific events.
2. Honor Guard members are expected to attend scheduled drill exercises, unless otherwise excused by the Honor Guard Coordinator or Honor Guard Commander.
3. The Honor Guard Coordinator will notify members to bring any equipment to training prior to the

training day. Members will report on time and be prepared to participate in all scheduled activities.

4. Lack of attendance and participation of actions or training sessions will result in a review of the member's participation with the Honor Guard and may result in termination from the Honor Guard.

E. Uniform/Equipment

1. Members will be issued the following equipment upon assignment to the Honor Guard:
   a) Dress Coat
   b) Dress Pants
   c) Cap, Round
   d) Collar
   e) Pins, Gold
   f) Dress Shoes
   g) Duty Belt w/Straps
   h) Honor Guard Badge
   i) Honor Guard Hat Badge
   j) Nameplate Gold
   k) Honor Guard Pins

2. Honor Guard members shall properly maintain all issued equipment and ensure that it is kept in proper working order and appearance. Honor Guard uniforms and equipment will be added to the officer's uniform and equipment record by the Supply Technician.

3. Honor Guard Unit equipment (i.e. flags, ceremonial rifles, etc.) shall be maintained and controlled by the Honor Guard Coordinator.

4. Equipment will be inspected at quarterly training sessions and prior to each scheduled event by the Honor Guard Coordinator and/or Event Lead.

5. Upon being relieved from their duties as a member of the Honor Guard, members will return their uniform and equipment to the Supply Technician who will send an email confirmation to the Honor Guard Coordinator that all uniforms and equipment have been accounted for.

By Order Of: Harold E. Medlock
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **11.12**
	Subject **"WE CARE BEAR" PROGRAM**	**Effective Date** 25 November 2013
	Revised 11-08-88, 02-25-02, 07-14-10,	**Page** 1 of 1

11.12.0 OBJECTIVE

To establish guidelines for the "We Care Bear" Program.

11.12.1 PURPOSE

A. The "We Care Bear" Program offers support and comfort to children and teenagers who are witnesses to or victims of crime, traffic collisions, domestic violence, and other traumatic events.

B. Bears are obtained through donations from businesses and citizen groups and receipt of donations is coordinated by the Community Relations Specialist. Donated Care Bears are maintained in the Supply Section for issuance to employees.

C. Employees who have an assigned vehicle will have at least one bear in the trunk of their patrol vehicle and can obtain bears from the Supply Section during normal operating hours. Patrol Supervisors and Youth Services personnel may want to have additional bears available for use when the Supply Section is closed.

11.12.2 GUIDELINES

A. It is the responsibility of the employee to decide when giving a Bear may be appropriate for providing comfort to a child or teen, who has experienced a critical or traumatic event.

B. The purpose of this program is to provide comfort to a child or teen and as an act of compassion by the employee for helping to reduce the unpleasantness that the child or teen may be experiencing.

1. Bears can be given to children who are injured as a result of an assault or accident, who are lost or disoriented or who are threatened or traumatized by a serious incident.
2. The bears may be used to develop rapport with a child.
3. A bear should not be given to a child if the parents object or if the child would be negatively affected.
4. Each child should be asked before being issued a bear to make sure that they would like to have one.

C. These guidelines are general and the final determinant is best judgment of the employee.

By Order Of: Harold E. Medlock
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURES**	**Number** **11.13**
	Subject **PEER SUPPORT PROGRAM**	**Effective Date** 20 March 2026
	Revised 09-3-13; 05-15-17, 03-17-25, 10-03-25	**Page** 1 of 6
	CALEA Standard 22.1.4	

11.13.0 OBJECTIVE

The purpose of this policy is to establish guidelines for a Peer Support Program (PSP), utilizing trained volunteers supported by mental health professionals. The PSP is established for the purpose of assisting Department personnel and their families who are suffering from stress-related problems or have experienced critical incident stress. The Program's services are available to all personnel, and a strict policy of confidentiality will be maintained regarding personnel identity and/or issues related to program utilization. The program goal is to help employees through a temporary crisis, promote an atmosphere of support and trust among employees, promote an awareness of the self-help alternatives available to employees, provide trained personnel who can assist in problem resolution before a point of crisis is reached, and develop an additional system of referral for appropriate professional care.

11.13.1 DEFINITIONS

A. Peer Support: Confidential support provided by trained members of the department who offer empathy, advice, and resources to their colleagues.

B. Peer Support Program Coordinator: A sworn law enforcement officer in the rank of Captain or above. The individual must be responsible for managing the day-to-day operations of the Peer Support Program, including the training of Peer Support Team members and ensuring the Peer Support Program's effectiveness and integrity.

C. Peer Support Volunteer: A department member who has received the mandatory training to provide emotional and psychological support to other members of the department and their family.

D. Critical Incident: Any event that has the potential to cause significant physical, emotional, or psychological stress to employees. Some examples of a critical incident can be an officer-involved shooting, serious injury or death of a co-worker, death or serious injury of a civilian that was caused by a member of the department, mass casualty incident, and serious injury or death of a child.

E. Confidentiality: Information shared with members of the Peer Support Team that is maintained between the PSP member and the department employee. The exception to this rule will be enacted when there is a risk of harm to the individual or others.

F. Sworn Peer Support Chaplain: A sworn law enforcement officer in any rank who is a certified ordained clergy member. The Sworn Chaplain is responsible for providing any type of emotional, spiritual, and/or moral support to other members of the department and their family. The Sworn Chaplain offers confidential, non-denominational "ministry of presence" to help cope with the high-stress, traumatic, and dangerous nature of law enforcement work.

11.13.2 PEER SUPPORT MANAGEMENT, MEMBERSHIP, AND TRAINING

A. The PSP is under the administrative direction of the PSP Coordinator, as appointed by the Chief of Police. Participation in the program, as a Peer Support Member (PSM) and Sworn Peer Support Chaplain, are voluntary and open to qualified personnel, regardless of rank, position, or assignment.

B. Personnel approved to become PSM's are required to successfully complete formal training approved by the PSP Coordinator prior to performing in the PSM role. This training includes crisis intervention, stress management, active listening, understanding mental health issues, and confidentiality.

C. A roster of PSP Team members will be available on Police Shares.

D. Non-Sworn Police Chaplains who have successfully completed formal training will be eligible to join the PSP. The PSP Coordinator will serve as the liaison between the PSP and the Chaplains.

11.13.3 MEMBERSHIP APPLICATION AND SELECTION

Personnel interested in becoming a PSM are to apply per Departmental Policy and must have the endorsement of their immediate supervisors and Bureau Commander. Final approval for participation will depend upon the candidate's successful completion of formal training. Although there are no specific required qualifications for candidates, desirable characteristics of a PSM include:

1. Trustworthiness, that is, known or reputed ability to maintain confidentiality.
2. Communication skills, especially listening skills.
3. Credibility among peers, generally considered as deriving from either duration of service or personal experience sufficient to instill belief among fellow employees that the PSM candidate can relate to or appreciate the stress, trauma, and/or psychological impact leading to use of the PSP.

11.13.4 INFORMAL COUNSELING PROCEDURES

A. Any department member may initiate contact with a PSM for individual support. PSM's will be allowed to counsel with peers while on-duty if sufficient manpower is available. Supervisors are to approve the intervention when possible and keep the employee's request confidential. Intervention performed off-duty is compensable and requires prior approval from the PSM's supervisor or an on-duty supervisor.

B. Any department member may approach a PSM regarding a co-worker who appears to be dealing with some type of stress. The PSM may approach the employee during the employee's normal tour of duty and attempt to initiate intervention; however, the decision to speak with the PSM rests ultimately with the employee. Involvement with a PSM is entirely voluntary.

C. Under no circumstances will an immediate supervisor serve as peer support for a subordinate. PSM's are not to assist employees to whom they are related or with whom they are involved personally.

D. PSM's will not provide legal counsel or advice.

11.13.5 PROFESSIONAL INTERVENTION PROCEDURES

The PSP Team may be activated to assist employees in dealing with stress which may result from response to critical incidents.

A. Any supervisor on the scene of, or any individual involved in, a traumatic or high stress incident may initiate contact with a PSM or request mobilization of the PSP Team. The PSM, under the guidance of the PSP Coordinator, will decide which intervention type is appropriate. A Sworn PSP Chaplain member also should be contacted when necessary.

B. Regardless of rank, Peer Support Team members exercise no command authority while performing in the peer support function. The PSMs role is to provide support and/or appropriate intervention to mitigate the impact of critical incident stress as a result of a critical incident.

C. Examples of incidents for which a supervisor should automatically request PSP Team intervention include:

1. Any police shooting.
2. Serious on-duty injury or death of a Department employee.
3. Suicide, serious injury, or death of a Department employee, or of an employee's immediate family member or close relative.
4. Serious injury or death of a civilian resulting from a Department operation, e.g., deadly force, vehicle accident.
5. Mass casualty/injury incident.

6. Death of, or extreme violence to, a child.

D. Examples of incidents for which a supervisor may request a PSP Team intervention include:

1. Violence to a child
2. Serious injury
3. Work-life balance challenges
4. Personal life challenges
5. Any other incident in which circumstances are unusually bizarre and may trigger profound emotional reactions

E. A PSP team debriefing or mediation is NOT a critique of operations and/or performance or an investigative tool. It is designed to provide an opportunity for personnel to discuss their feelings or reactions to the stress resulting from exposure to a critical incident and to accelerate the normal recovery process.

F. The type of debriefing or mediation conducted will depend on the circumstances of a particular incident. The PSP Team, under the guidance of the PSP Coordinator, will decide appropriate debriefing or mediation strategy. The most commonly utilized types include:

1. One-on-One
2. Defusing
3. Critical Incident Stress Debriefing (CISD)

A Department member may refuse the participation of any particular PSM, Sworn PS Chaplain, or Non-Sworn Chaplain in his or her individual debriefing session.

G. After a critical incident, approved PSMs may request a certified Therapy Dog and handler.

1. The Therapy Dog, also known as an Emotional Support Dog, must be current on vaccinations and have proper current credentials and certifications from an established Therapy Dog association.
2. The handler of the Therapy Dog is responsible for all veterinary, nutrition and housing costs.
3. A current record of the Therapy Dog's certifications and health records will be maintained by the Therapy Dog handler.

11.13.6 CONFIDENTIALITY ISSUES

A. No member of the Department is to seek any information from a PSM regarding his/her peer support role, or the facts surrounding a critical incident debriefing or mediation, including the names of individuals in attendance at the debriefing.

B. All discussions and information will be treated as confidential by all department members of the PSP, or information regarding attendance at a debriefing or mediation, or requests for a debriefing or mediation. Any employee violating confidentiality will be subject to disciplinary action up to and including a consideration of dismissal.

C. PSM's are to maintain strict confidentiality and are prohibited from making any notes or records while providing support or during a debriefing or mediation. The only record kept will be the numbers of individuals served. A PSM who violates confidentiality will be dismissed immediately from the program and will be subject to disciplinary action up to and including dismissal.

D. One-on-One intervention activities are managed by the PSP Coordinator, as appropriate. If, as a result of a debriefing or mediation, a PSM is concerned about an individual employee's condition, the PSM will contact the PSP Coordinator regarding the concern. Specific exceptions to confidentiality which a PSM must report to the PSP Coordinator include:

1. Threat of suicide.
2. Admission or threat of serious unlawful conduct.
3. Admission of violation of State domestic abuse laws.
4. Admission of child abuse.

5. Upon legal service with an order to disclose, such order issuing from a court system and not from any other member(s) of the Department.

E. PSM's will suggest that an employee contact the Employee Assistant Program or any other departmentally approved wellness provider if counseling is considered appropriate.

F. Immediate supervisors shall bear the primary responsibility for monitoring the psychological well-being of personnel under their command following exposure to a critical incident. Upon such an event, the supervisor is mandated to conduct an initial wellness check-in to assess the officer's immediate needs and provide information regarding the Peer Support Program, Employee Assistance Program, as well as other available contracted counseling services. Supervisors are expected to proactively facilitate the officer's attendance at counseling sessions or peer support meetings by adjusting shift assignments or providing administrative leave as necessary. This duty includes maintaining a supportive, non-stigmatizing environment that prioritizes the officer's long-term health and operational readiness over immediate staffing demands.

11.13.7 SWORN PSP CHAPLAIN DUTIES AND RESPONSIBILITIES

A. Purpose of the Role

The Sworn PSP Chaplain serves as a dual-capacity resource within the Peer Support Program (PSP). As a sworn member, the Chaplain understands the unique legal and physical rigors of law enforcement; as a Chaplain, they provide spiritual guidance, emotional support, and moral support to all department personnel and their families, regardless of religious affiliation.

B. Key Responsibilities

The Sworn PSP Chaplain's duties include, but are not limited to:

1. Crisis Intervention – Providing immediate on-scene "ministry of presence" support during critical incidents, officer-involves shootings (OIS), or line-of-duty deaths.
2. Confidential Counseling – Offering a "safe harbor" for members to discuss personal, professional, or spiritual stressors. This "safe harbor" will be confidential, non-judgmental, and non-proselytizing, safe space for employees to share struggles.
3. Hospital & Home Visitation – Visiting injured or ill department members and providing support to their families during recovery. This also includes assisting with performing departmental death notifications.
4. Ceremonial Duties – The Sworn PSP Chaplain will not be required to officiate or assist with departmental graduations or promotions as this will be the responsibility of the Chaplaincy Program and Service Bureau. However, the Sworn PSP Chaplain can officiate or assist with any departmental memorial or remembrance service.
5. Requirements – The sworn PSP Chaplain must be ordained/licensed, have at least three years of ministry experience, and undergo specialized training in law enforcement crisis response often through the International Conference of Police Chaplains (ICPC).
6. Training – Assisting the PSP Coordinator in developing wellness training modules focused on moral injury, grief, and resilience.

C. Privileged Communication

In accordance with N.C.G.S. 8-53.2, The Clergy-Penitent Privilege, and N.C.G.S. 8-53.10, The Law Enforcement Peer Support Privilege, communications made to the Sworn Chaplain in their professional capacity are generally considered privileged. The Chaplain shall not be compelled to disclose such communications except as required by the narrow exceptions defined in these statutes or by a court of competent jurisdiction.

Note: While the Chaplain is a sworn officer, they are exempt from reporting non-criminal internal policy violations disclosed during a spiritual or peer support session. However, the Chaplain **must** report instances involving:

1. Immediate threats of harm to self or others.
2. Suspected admission of any criminal offense.

D. Operational Integration

To maintain trust and visibility, the Sworn Chaplain should:

1. Conduct "Ride-Alongs" – Regularly spend time on various shifts to build rapport with line officers. This can be completed during the Sworn PSP Chaplain's regular duty hours in conjunction with their primary job duties.
2. Maintain Neutrality – Remain a non-disciplinary figure. When acting in the role of the Sworn PSP Chaplain, the Sworn PSPS Chaplain shall not be involved in Internal Affairs investigations or the formal disciplinary process.
3. Availability – Be available on an "on-call" basis for emergency deployments as directed by the Chief of Police or PSP Coordinator.

11.13.8 LIMITATIONS

A. The PSP program operates based on the availability of trained peer support team members. While the program aims to ensure that support is available when needed, there may be instances where on-call PSP team members are unavailable due to scheduling conflicts, other departmental duties, or personal time off. In these instances, the PSP Coordinator will be contacted to direct an alternate PSP team member to respond to the critical incident to provide assistance.

B. PSP team members are not authorized to handle formal disciplinary matters, grievances, or performance-related matters. They are focused on aiding with personal and professional stress and emotional support to members of the department.

C. PSP team members should not be utilized as a mediator to resolve conflicts amongst members of the department. Workplace disputes will be handled through the appropriate channels, such as a supervisor or Human Relations.

D. While PSP team members may provide initial support, the Peer Support Program does not include formal, on-going follow-up with members of the department. Continued care, therapy, or monitoring will be the responsibility of the individual, in conjunction with their supervisors or external mental health resources.

E. In cases of acute crises or emergencies, such as suicidal ideation, immediate threats to safety, or violent incidents, the PSP team will not be utilized as a substitute for emergency services or crisis intervention. Department employees that are facing these types of crises should immediately contact their supervisor, mental health professionals, or emergency services for assistance.

11.13.9 PROGRAM EVALUATION

A. The Peer Support Program will undergo annual evaluations in the form of a memorandum to the Chief of Police to assess the effectiveness of the program, including:

- Gathering feedback from participants and Peer Support Team members
- Reviewing program utilization rates
- Analyzing outcomes such as officer wellness, stress reduction, and retention
- Customer survey feedback

B. This evaluation will help ensure the Peer Support Program's continued success and identify areas for improvement. Program adjustments will be implemented based on departmental needs and evaluation results.

11.13.10 REFERENCES

N.C.G.S. 8-53.2	Communications between clergymen and communicants.
N.C.G.S. 8-53.10	Peer support group counselors.

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

11.14.0 OBJECTIVE

To establish procedures for the activation and utilization of the Fayetteville Police Search and Rescue (SAR) Team.

11.14.1 ORGANIZATION

A. The Fayetteville Police Search and Rescue Team Commander is assigned by the Chief of Police and the team is functionally assigned to the Patrol Operations Bureau Commander. The Search and Rescue Commander will direct all activities of the team. The team coordinates activities with the Fayetteville Fire Department Collapse Search and Rescue (CSAR) Team, Bladen County Water Rescue, and Cumberland County Sheriff's Department Search and Rescue Team but functions separate and apart as a team.

B. The team consists of officers and supervisors from all areas of the department. The Team Lieutenant or his designee directs day-to-day duties and training of the team.

11.14.2 SELECTION AND EVALUATION

A. Participation on the SAR Team is voluntary and officers will be selected after an interview panel, swim test and a review of their work record by the Team Commander, Lieutenant and one team member. Team members will be selected using the following criteria:

1. Physical Fitness
2. Training and Experience
3. Specialized Qualifications and Certifications
4. Performance
5. Disciplinary History

B. Evaluation of the team will be the responsibility of the Team Lieutenant. Evaluation criteria will include but is not limited to:

1. Attendance
2. Willingness to train in adverse conditions
3. Maintain proficiency skills set by NASAR (National Association of Search & Rescue) such as: land navigation, underwater skills, Technical Rescue, CSAR, and fitness

11.14.3 TRAINING

A. Officers who are selected for the SAR Team are required to maintain the required training schedule established by the SAR Lieutenant unless otherwise excused. All training documentation will be maintained by the Training and Education Center in the Officer's Training File. Training will include:

1. Land Searches
2. Water Searches
3. Technical Rescue
4. Confined Space
5. Trench Rescue
6. Collapse Search and Rescue
7. High Angle Rescue
8. Swift Water Rescue
9. Boat Operations

B. All members of the SAR Team will be required to achieve and maintain certifications in all disciplines listed above. Team members will work to achieve the Public Safety Diver Certificate Program through the North Carolina Justice Academy.

11.14.4 EQUIPMENT

SAR Team members will be issued WEB gear, functional uniforms, CSAR safety equipment and other necessary equipment for efficient and effective response. Team members may utilize their own gear as long as the Team Lieutenant has inspected and approved its use prior to any call-outs.

11.14.5 DIVE OPERATIONS

The SAR Team will utilize dive equipment purchased by the department. When conducting any dive operation in other than a training environment, members will utilize a vulcanized rubber dry suit for operations. This is to reduce the risk of the diver's exposure to any possible contaminants within the body of water in which an operation is being conducted.

11.14.6 RESPONSE

A. The SAR Team may respond to missing persons, drownings, walk-offs, evidence searches, recovery incidents and other rescue type events to include natural and manmade disasters. The team will be utilized in the city limits but may be activated for mutual aid requests.

B. The team may be called-out by the Search and Rescue Team Commander or his designee. The Team Commander making the call-out will approve all compensatory time. An on-call list and current roster of SAR members will be made available to all areas of the department.

C. The Dive Team portion of the SAR Team is also listed as a State Resource for Emergency Management. The SAR Team will request a Cumberland County Tactical Paramedic to respond to all incidents and training sessions. The Tactical Paramedic will be on site before any operations begin.

11.14.7 MUTUAL AID

A. SAR Team services will be provided for mutual aid assistance only when activated by the Chief of Police or his designee.

B. The Team Commander or designee will be notified when the requesting agency is outside of the Fayetteville Police Department's jurisdiction. Requests for mutual aid will be made in writing through the North Carolina Division of Criminal Information. A DCI message must be received before the team is dispatched to the incident. This message will include the name of the requesting agency, nature of the call, contact person and telephone number.

C. The Team Commander or designee will be consulted to determine the SAR Team's suitability to respond to a particular type of request for assistance by another agency.

By Order Of: Harold E. Medlock
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **11.15**
	Subject **CRIMESTOPPERS PROGRAM**	**Effective Date** 7 November 2025
	Revised 07-03-06, 03-03-08, 6-24-10, 03-18-16	**Page** 1 of 2
	CALEA Standard N/A	

11.15.0 OBJECTIVE

To establish guidelines for the Crimestoppers Coordinator Program.

11.15.1 FUNCTION

A. This program is designed to involve citizens, law enforcement, social media, and news media in a cooperative effort to apprehend those responsible for criminal activity and recover stolen property. Fayetteville/Cumberland County Crimestoppers is an independent, registered, non-profit organization. The Fayetteville Police Department maintains a coordinator position to facilitate tip processing, timely tip assignment and follow-up, and to assist the board of directors with maintaining a successful program.

11.15.2 DUTIES AND RESPONSIBILITIES

A. The Crimestoppers Coordinator will be responsible for the following:

1. Ensure the tip line is operational and monitored 24 hours a day.
2. Act as liaison to the Fayetteville/Cumberland County Crimestoppers Program Board of Directors and attend the board's monthly meeting.
3. Serve as a liaison with the news media to promote ample coverage for the crime of the week and other Crimestoppers programs.
4. Receive, process, enhance, and distribute raw intelligence received from Crimestoppers to the appropriate officer, unit, division or agency.
5. Provide follow-up to determine disposition of all intelligence received and forwarded.
6. Maintain statistical data using software provided by Crimestoppers.
7. Prepare monthly reports and recommendations for awards at the Board of Directors meeting.
8. Maintain a high level of coordination and cooperation with local, state, and federal law enforcement agencies relative to Crimestoppers.
9. Work with local law enforcement agencies to select a crime or fugitive of the week.
10. Prepare and distribute crime alerts or fugitive bulletins to all cooperative area media representatives.
11. Maintain and keep updated information on all Crimestoppers billboards, websites, and social media outlets.
12. Assist in promoting Crimestoppers events and assist the Board of Directors at the events.
13. Assist the Board of Directors with maintaining tipster anonymity, consistent with N.C.G.S. 15A-904.

B. Board of Directors will:

1. Meet monthly and make recommendations on which tips will receive cash awards.

C. News Media can assist by:

1. Publicizing facts pertaining to unsolved crimes or fugitives and encourage citizens with information to call Crimestoppers.

11.15.3 CRIMES COVERED BY CRIMESTOPPERS

A. Crimestoppers primarily seeks information relative to felony crimes, fugitives wanted for felony crimes, stolen property, illegal firearms, and illegal drugs.

B. The Board of Directors may feature or pay rewards consistent with the program bylaws.

11.15.4 REWARD ELIGIBILITY

A. Any citizen, except as prohibited below, who contacts Crimestoppers directly and furnishes information which leads to the issuance of a warrant for arrest, or the physical arrest (or equivalent for a juvenile), of an individual responsible for the commission of a serious crime or to the apprehension of a fugitive, may be eligible for a reward. The Board of Directors has the sole authority to make final decisions on all rewards, as outlined in their bylaws.

B. The following persons shall not be eligible to receive a reward from Fayetteville/Cumberland County Crimestoppers:

1. Any sworn law enforcement officer or member of the officer's immediate family.
2. The perpetrator or co-perpetrator of the crime.
3. The victim of the crime.
4. The fugitive(s) sought.
5. The tipster contacts a law enforcement officer with the information/tip prior to contacting Crimestoppers.

C. If more than one person furnishes information about the same crime or fugitive as set forth above, the reward approved for payment will be determined by the board of directors, consistent with the program bylaws.

D. As an incentive, Crimestoppers offers a guarantee of anonymity and pays cash rewards. Code numbers are used to identify callers rather than name. Cash rewards are paid from donations received from community members.

E. All cash related to this program is controlled and managed by the Crimestoppers Board of Directors.

11.15.5 REFERENCES

N.C.G.S. 14A-904 Disclosure by the State – Certain information Not Subject to Disclosure

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

11.16.0 OBJECTIVE

To establish procedures for Airport Security.

11.16.1 FUNCTION AND ASSIGNMENT

Law Enforcement Airport Security is assigned to the Specialized Services Bureau, Traffic Support Unit. Airport Security is responsible for providing security to civil and commercial aviation through enforcement of FAA and TSA Regulations.

11.16.2 RESPONSIBILITY

Officer assigned as Airport Security will:

1. Patrol assigned areas at the airport terminal as well as the designated property owned or maintained by the Fayetteville Regional Airport.

2. Maintain public order and provide for the safe and lawful transit of passengers and airport users.

3. Control and direct pedestrian and vehicular traffic.

4. Monitor airport public parking facilities, enforce parking regulations, inspect and investigate suspicious objects, persons or vehicles.

5. Monitor airport property tenants and surrounding facilities, physically examine and test doors and windows, and investigate conditions hazardous to public safety.

6. Serve as back up lawenforcement officers at the security checkpoints per federal regulations.

11.16.3 NATIONAL TERROSIM ADVISORY SYSTEM (NTAS) CONDITION

The TSA Aviation Security Directives as well as direction from the Airport Director will provide specific operational guidelines at each threat level condition.

A. Threat Level Existing

The assigned airport police personnel will staff the airport. There are no additional manpower requirements.

B. Threat Level Elevated

At Threat Level Elevated, the Transportation Security Administration (TSA) will provide a security directive to the airport manager outlining any specific requirements to be addressed. Depending on the type and proximity of the threat, the TSA may require additional coverage be deployed.

If directed by the TSA, a vehicle checkpoint may be required at some point along Airport Road. Requirements for a vehicle checkpoint are list under Threat Level Imminent.

C. Threat Level Imminent

Threat Level Imminent is the highest level of national security alerts. At this level the TSA will issue a security directive outlining specific security measures to be taken. These may include a mandatory vehicle checkpoint and specific parking restrictions (no parking within 300 feet of the airport terminal building). Additional officers will be needed to man the checkpoint. The officers manning the checkpoint will be required to conduct random searches of cars and mandatory searches of large vehicles such as multi-passenger vans, SUVs and large trucks.

11.16.4 ALERT PHASES

Fayetteville Tower will utilize one of the alert phases below to identify an airport emergency.

1. ALERT I – Minor Emergency – An incoming aircraft that is known or suspected to have an operational defect that should not normally cause serious difficulty in achieving a safe landing (ex.: feathered propeller, oil leak).

2. ALERT II – Full Emergency – An incoming aircraft that is known or suspected to have an operational defect that affects normal flight operations to the extent there is a danger of an accident (ex.: engine shut down, smoke in cockpit, landing gear problems).

3. ALERT III – Aircraft crash / fire / recovery – An aircraft accident, aircraft fire, or incident requiring recovery has occurred at or in the vicinity of the airport.

When Fayetteville Tower actives the emergency siren (Klaxton), the airport LEO will respond to Gate 10 and have it open for the additional emergency units (Fire trucks / ambulances / Law Enforcement), that are responding to the emergency. Gate 10 is located on Hangar Rd off of Corporate Rd.

By Order Of: Gina V. Hawkins
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **11.17**
	Subject **POLICE CADET PROGRAM**	**Effective Date** 28 September 2023
	06-01-16	**Page** 1 of 1

This Operating Procedure was rescinded on September 28, 2023.

By Order Of: Kemberle Braden, Chief of Police
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **11.18**
	Subject **LAW ENFORCEMENT ASSISTED DIVERSION (LEAD) PROGRAM**	**Effective Date** 24 March 2025
	Revised 09-22-16	**Page** 1 of 7
	CALEA Standard N/A	

11.18.0 OBJECTIVE

To establish guidelines for officers of the Fayetteville Police Department (FPD) to identify and refer program participants to the Law Enforcement Assisted Diversion (LEAD) Program.

11.18.1 PURPOSE

A. Booking, prosecuting, and the incarceration of individuals addicted to legal and/or illegal substances, who commit low-level non-violent offenses has had limited effectiveness in improving public safety and community well-being. Elected officials, law enforcement officers, and residents of Fayetteville seek to improve public safety and public order, and to reduce future criminal behavior by low-level drug offenders in the community.

B. Law Enforcement Assisted Diversion, (LEAD) is a harm reduction approach that seeks to accomplish the goals of reduced criminal behavior and improved public safety by connecting low-level drug offenders with treatment, social services and other community resources. This approach has proven to save money with demonstrated success for reducing future criminal behavior as opposed to processing low-level drug offenders through the criminal justice system.

11.18.2 DEFINITIONS

A. Decriminalization - Decriminalization is the lessening of criminal penalties in relation to certain acts.

B. Harm Reduction – Harm reduction emphasizes public health and human rights and harm reduction programs provide essential health information and services while respecting individual dignity and autonomy. For drug users, harm reduction recognizes that many drug users are either unable or unwilling to stop, do not need treatment, or are not ready for treatment at a given time.

C. Human Trafficking - is a modern-day form of slavery involving the illegal trade of people for exploitation or commercial gain typically for the purposes of forced labor or commercial sexual exploitation.

D. Individual Intervention Plan (IIP) – A treatment plan agreed upon by the LEAD client and the treatment provider. The plan is tailored to the unique needs of the individual.

E. LEAD - a pre-booking diversion program developed with the community to address low-level drug crimes associated with addictive behaviors. The program allows officers to redirect low-level offenders engaged in drug or sex work activity to community-based programs and services, instead of jail and prosecution. By diverting eligible individuals to services, LEAD is committed to improving public safety and public order, and reducing the criminal behavior of people who participate in the program.

F. LEAD Case Manager– A person or persons employed by the program's healthcare provider to coordinate all services for LEAD participants. This includes Intake and formulating the participants IIP.

G. Person in Medication Assisted Recovery – A person with a substance use disorder who is undergoing medication assisted treatments or therapies.

H. Person in Recovery or Long-Term Recovery – A person with a substance use disorder who has achieved abstinence.

I. Persons with Substance Use Disorder – Substance use disorder occurs when a person needs alcohol or another substance (drug) to function normally. Abruptly stopping the substance leads to withdrawal symptoms.

J. Sex Worker - A sex worker is someone who provides sexual or sexual related services in exchange for money, drugs, or other favors. Sex worker is a term that acknowledges the work part of jobs in the sex industry.

K. Social Referrals – Social contact referrals are those, in which, officers perceive the individual as at high risk of arrest in the future for low level drug activity

L. Substance Use Disorder – Substance use disorders occur when the recurrent use of alcohol and/or drugs causes clinically and functionally significant impairment, such as health problems, disability, and failure to meet major responsibilities at work, school, or home. According to the DSM-5, a diagnosis of substance use disorder is based on evidence of impaired control, social impairment, risky use, and pharmacological criteria.

M. LEAD Case Review Committee- This group will meet monthly to review the progress of LEAD participants and discuss any pending issues. Twice monthly, the LEAD Case Coordinating Group (Case Managers, FPD, the Cumberland County District Attorney's Office, North Carolina Harm Reduction Coalition (NCHRC) LEAD coordinators and any party to the LEAD Memorandum of Understanding) will participate in staffing sessions in which referral decisions and program participant progress is reviewed.

N. LEAD Policy Coordinating Group- Once monthly or as called, the Policy Coordinating Group (FPD, the Cumberland County District Attorney's Office, the City of Fayetteville, the NCHRC LEAD coordinators, the LEAD treatment provider, and any party to the LEAD Memorandum of Understanding) will hold staffing sessions to discuss major policy changes, program evaluation, funding, and service capacity.

O. LEAD Coordinator- Acts as liaison between all interested parties to include: Law Enforcement, DA's office, Care Provider, Case Workers. The Lead Coordinator organizes and facilitates meetings of the Policy Coordinating Group and the Case Review Committee.

P. Subsistence Dealing- The selling of small amounts of narcotics for the purpose of sustaining one's own addiction rather than for profit only.

11.18.3 LEAD PROCESS

A. FPD patrol officers will be the primary decision maker for diverting an individual to LEAD pursuant to the criteria on which officers have been trained. Officers will make a series of decisions about the individuals they contact to determine whether or not those individuals are arrested or will be diverted to LEAD. The following information will be considered:

1. Is this individual disqualified from the LEAD program due to their criminal history, exploitation of others, or dealing narcotics for profit (not subsistence income)? (Exclusion criteria are detailed below.) Is the offense the person is alleged to have committed, an eligible offense for LEAD referral (defined below)?
2. Does the person have any medical conditions at the time of arrest that require immediate medical treatment, detoxification or referral to a hospital?
3. Is the person unable to provide informed consent and/or does the person pose a risk to self or others due to mental illness?
4. Does the person display any interest in being offered services through LEAD rather than being taken to and booked into jail, or does the person's words and actions indicate it would be futile to attempt a diversion strategy?

B. An individual eligible for LEAD referral will be engaged by LEAD case management staff working for a social services provider. The Case Manager will provide an immediate individual assessment to

determine what factors contributed to the individual for engaging in street-level narcotic activity and provide comprehensive services to address those factors and reduce the harm the individual is causing to themself and the community. LEAD treatment provider staff must be available to respond immediately during designated periods when they are open for referrals.

C. LEAD Officer Intervention Protocol

1. Criminal Referrals: Prior to arrest, the referring officer will determine whether the individual is eligible for LEAD.
   a) The officer will access and review the individual's criminal history information (CJ Leads, P2P) prior LEAD referrals, if any. If the individual is currently in LEAD the officer should notify the individual's case worker.
   b) The officer shall determine based upon the stated eligibility criteria, including his/her own assessment of the individual's amenability to the intervention model, whether an individual will be referred to LEAD.
2. The officer will explain the LEAD participant criteria to the individual.
3. Individual can either accept or decline the offer to participate in the LEAD program. If the individual declines, they can be formally booked and the process ends with incarceration. If the individual accepts then proceed to #4.
4. The referring officer must complete the incident report narrative and forward within 24 hours of the referral. The incident narrative must clearly state that the individual has been diverted to LEAD.
5. The officer will complete the digital screening form located at https://www.nchrc.org/cumberland-referral and submit.

D. LEAD Case Manager Protocol

1. The Case Manager will complete the LEAD Intake Assessment within 14 working days of the referral date. The LEAD Case Manager will explain to LEAD participant that they are not officially a client until they are cleared by the District Attorney's Office Representative. However, basic needs for the potential participant can be addressed using LEAD program funds as needed (i.e. food, clothing or hotel).

   a) The participant will have 14 working days to return to the Case Manager's office to complete the LEAD Intake Assessment. If the individual does not return, the referring officer may refer the case to the prosecutor.
   b) The Case Manager may determine at the point of referral or intake that the individual is unlikely to make good use of the program's resources, and refer the case back to the FPD for a filing decision.

2. The Case Manager will address immediate and/or acute needs.

   a) Based on the intake assessment, the Case Manager will work to meet any immediate needs that must be addressed, such as shelter for the night, medication assisted treatment, detox, food, etc. (even if the person has not yet cleared a background check by the District Attorney (#1 above). The Case Manager will thoroughly explain the LEAD process and the assistance that might be available through the LEAD program.

3. Over the next few meetings, the Case Manager, with the help of the LEAD participant, will develop an Individual Intervention Plan (IIP).

   a) Once any acute needs have been addressed, the Case Manager will work with each participant in one or more meetings to design an IIP, which will form the action plan for the individual.

4. The LEAD participant will work with the Case Manager on goals established in the IIP.
5. Participant cases are monitored through regular staffing sessions with the LEAD Case Coordinating Group.

6. If the participant is impaired or incapacitated and unable to engage effectively in the intake process, the participant should not be referred to LEAD at that time. The participant can be referred to LEAD at a later time according to the same process used for participants initially ineligible due to criminal history exclusions. If, in the officer and/or Case Manager's judgment, a participant is unable to provide informed consent and/or poses a risk to self or others due to severe mental illness, the participant will not be referred to LEAD.
7. The referring Officer will be responsible for attempting to contact the referred subject at a later date in reference to LEAD participation.

E. LEAD Case Manager Protocol

1. The LEAD Coordinator will receive all screening forms generated department wide.
2. The LEAD Coordinator will provide the Cumberland County District Attorney's Officer with copies of all participant screening forms within 24 hours of receiving the forms.
3. The LEAD coordinator will maintain copies of Participant Screening Forms and all other LEAD related documents via Laser fiche.
4. The LEAD coordinator will prepare staffing sheets for the bi-monthly Case Review Committee meetings as well as the monthly Policy Coordinating Group meetings.

11.18.4 CASE MANAGEMENT AND INDIVIDUAL INTERVENTION PLANS

A. The Case Manager will work with each participant in one or more meetings to design an Individual Intervention Plan (IIP), which will form the action plan for the individual. The plan may include assistance with housing, treatment, education, job training, job placement, licensing assistance, small business counseling, child care, or other services. The outreach Case Manager will follow up with the participant to implement the intervention plan.

B. Many elements of the intervention plan will be participant identified and driven, and though participation is voluntary, the IIP will draw on the professional expertise of the Case Manager. If the Case Manager identifies needs for treatment or other services, they will either provide referrals to the appropriate programs with available capacity or identify needed services using project funding.

C. In cases where substance use dependency or mental health services are needed, project participants will be requested to sign a release of information form allowing the Case Manager to consult with other professionals and with LEAD partners.

D. IIPs will be designed to maximize the potential of a participant for achieving self-sufficiency independent of program funding. For some participants this may require a plan for vocational or higher education or achieving a GED and some may involve job placement based on current skills. Still others who are not likely to be able to support themselves though work, it may entail applications for SSI or other public benefits.

E. LEAD funding and staffing may be used to address any factor or set of factors driving the participant to engage in problematic narcotic activity at the street level.

F. The objective is to modify individual behavior and all participants will respond as individuals so there is no limit on the time period in which an individual can receive services or remain in the program. LEAD case management staff will use their judgment to evaluate if the participant is continuing to make good use of the resources LEAD is dedicating to him/her.

G. In order to sustain behavioral changes that may be accomplished through LEAD participation, each LEAD participant who receives funding or services in some way will be required to participate in regular peer counseling sessions. Experienced participants will assist in leading those sessions after receiving training. The role of peer counseling is to create a support system for behavioral change that can continue after the individual no longer needs other direct services, and to create a pool of peers who can credibly engage others involved in narcotic activity and talk positively about the LEAD Program.

11.18.5 ELIGIBILITY

A. Adult offenders who have committed a victimless criminal offense and have been identified as an abuser of controlled substances may be eligible for LEAD and may be referred to LEAD, except when:

1. The amount of drugs involved exceeds what would be considered personal use amounts or reaches a trafficking threshold for that particular suspected controlled substance. Prescription Narcotic Medications may exceed the trafficking exception due to the low threshold set by the law for such medications as long as the officer considers the amount to be for the personal use of the client.
2. The suspected narcotic activity involves trafficking, delivery, or possession with intent to deliver, AND there is reason to believe the suspect is dealing for profit above a subsistence income;
3. The individual does not appear amenable to the program (i.e. violent upon initial contact, psychotic, threat to self or others)
4. The individual is under the age of 18;
5. The individual appears to exploit minors;
6. The individual is suspected of promoting prostitution, and/or the individual has a disqualifying criminal history such as:

    a. In the last 5 years: Any conviction for homicide, vehicular homicide, aggravated arson, aggravated burglary, all robbery, all kidnapping, all human trafficking, all sex offenses (excluding prostitution), and any conviction involving firearms or deadly weapons (or attempt of any crime listed here). Eligibility is subject to discretion by the LEAD Coordinator and members of the MOU.

B. LEAD eligibility is not a substantive right, subject to litigation.

C. Individuals are eligible for LEAD regardless of their immigration status or gender.

D. Individuals who do not meet the threshold criteria above may be referred to LEAD on the recommendation of FPD or the Cumberland County District Attorney's Office.

E. Subsequent Charges- LEAD participants, who incur additional criminal charges while participating in LEAD will not necessarily, be discharged out of the program. Their involvement and progress in LEAD may be considered by the prosecutor or the court in subsequent charging, plea offer, or sentencing decisions.

11.18.6 CAPACITY

A. Adequate resources must be in place to appropriately serve all individuals who might be eligible and will dictate the number of participants that the Program can accept. In order to allocate resources in a transparent and fair manner, the days and times for LEAD to take place will be determined according to treatment provider availability. On the appropriate day the service provider will notify the LEAD Coordinator at the FPD they are accepting new LEAD participants and how many slots are open. The service provider will make ongoing determinations of program capacity.

B. For purposes of program evaluation, names, date of birth, and incident number of all those arrested who are otherwise LEAD eligible and who would have been diverted if not for resource limitations will be recorded by the arresting officer or supervising sergeant in an ongoing log.

11.18.7 WARRANTS

Warrants will be served according to applicable policies and protocols and individuals will not be immediately referred to LEAD in lieu of booking if they would otherwise be booked on a warrant. However, if an individual is eligible for LEAD, warrant notwithstanding, the arresting officer may make the LEAD referral.

11.18.8 REFERAL OF SOCIAL CONTACTS TO LEAD

A. To the extent that the program has capacity, LEAD may also accept "social contact referrals" from FPD. Social contact referrals are those, in which, officers perceive the individual as at high risk of arrest in the future for low level drug activity. All social contact referrals to LEAD must meet the following pre-requisites:

1. Prior documented involvement with controlled substances related to (possession or delivery) which may be present in the following situations:
   a. Police reports indicating that individual to be referred was engaged in relevant criminal activity and the subject of a bona fide criminal investigation (the incident need not be referred to the prosecutor for filing), or
   b. Arrest, or
   c. Jail booking, or
   d. Narcotic related violations, or drug-traffic loitering charges filed, or
   e. Conviction.
2. Documented involvement with narcotics must have occurred within the City of Fayetteville.
3. Documented involvement with narcotics must have occurred within the 24 months of the date of referral.

11.18.9 PROGRAM OVERSIGHT

A. LEAD Case Review Committee - twice monthly, the LEAD Case Coordinating Group (Case Managers, FPD, the Cumberland County District Attorney's Office, North Carolina Harm Reduction Coalition (NCHRC) LEAD coordinators and any party to the LEAD Memorandum of Understanding) will participate in staffing sessions in which referral decisions and program participant progress is reviewed.

B. LEAD partners will use the staffing meetings to share information about a program participant's situation and progress, to discuss possible withdrawal of program support from participants who are not making effective use of the opportunity and resources, to discuss referral criteria, program capacity and compliance with the protocol, and to focus the attention of LEAD program staff and FPD on particular cases. Individual cases may be staffed more frequently via phone conference as needed.

C. LEAD participants will be required to sign waivers authorizing LEAD case management staff to discuss their cases and progress with the Case Coordinating Group. Consent waivers are a condition of participating in LEAD, and if not completed or rescinded, the individual will not be eligible for program participation.

D. The Cumberland County District Attorney's Office has final authority for making filing decisions in all criminal cases.

E. Criteria for Removal/Withdrawal of Services- Receipt of ongoing services is conditioned on the participant making, in the judgment of the LEAD Case Coordinating Group, good use of the resources provided, and good progress toward reducing the harm his/her drug-involved behavior has brought to the community and himself. The possibility that services might be withdrawn should not be invoked lightly, but does act as a powerful motivator for participants to take the opportunity seriously and make good use of LEAD resources.

F. Policy Coordinating Group- **Is group is separate from the other group discussed above in "A."** Once monthly or as called, the Policy Coordinating Group (FPD, the Cumberland County District Attorney's Office, the City of Fayetteville, the NCHRC LEAD coordinators, the LEAD treatment provider, and any party to the LEAD Memorandum of Understanding) will hold staffing sessions to discuss major policy changes, program evaluation, funding, and service capacity.

G. Core Principals

1. <u>Peer outreach and counseling:</u> There is substantial evidence that highly marginalized populations can be engaged by peers whom the potential participants view as knowledgeable about their situation, and can have a credible conversation about the value of a program. Ongoing peer

counseling provides support for behavioral changes that are achieved initially through investment of money and program staff time.

2. Intensive case management: Participants engaged in problematic drug use require a more holistic approach to case management. They not only need access to medically assisted recovery and other drug treatment options, they need access to food, housing, legal advocacy, job training, etc. Overall they need increased support in accessing these services. Intensive case management provides increased support and assistance in all aspects of the participant's life.
3. Harm reduction philosophy: Participants will be engaged where they are, point in time, in their life. They will not be penalized or denied services if they do not achieve abstinence. The goal is to reduce as much as possible the harm done to themselves and to the surrounding community through problematic drug activity. Some or all services may be withdrawn or suspended from participants who after thorough review and evaluation, LEAD case management staff believes they are not invested in making progress toward reducing the harm caused by their behavior.
4. A non-displacement principle: Because the objective is to increase safety and order for the community as a whole, it is unhelpful to achieve success for an individual program participant by bumping her up a wait list of scarce services, while necessarily bumping another community member who needs the same services further down the list. Where existing programs have unused capacity, and where they are appropriate fits for participant's identified needs, LEAD case management staff will know about and use those resources. However, LEAD program funding will be used to purchase or access additional resources that would not otherwise be available to the participant being served.
5. Community transparency and accountability: It is essential that public safety leaders participate in regular staffing meetings, have access to program performance reports, and have excellent access to case management staff to suggest areas where outreach could usefully be concentrated.

11.18.10 REFERENCES

W.D. 1.6	Limits of Authority
O.P. 3.1	Patrol Operations
O.P. 3.14	Mental Health Call Response
O.P. 7.2	Juvenile Offender Guidelines

By Order Of: Kemberle Braden, Chief of Police
Digitally Signed

11.19.0 OBJECTIVE

To establish the Fayetteville Police Department's small Unmanned Aircraft System ("sUAS") program and Aviation Unit. To assist law enforcement by providing increased situational awareness, enhanced officer safety, and act as a force multiplier to improve operating efficiency. This policy sets forth how the sUAS program will operate aerial platforms in coordination with law enforcement officers conducting a specific mission as guided by the Certificate of Authorization (COA) and Certificate of Waiver and Authorization (COW) issued by the Federal Aviation Administration (FAA). This policy is designed to minimize risk to people, property, and aircraft during the operation of the sUAS while continuing to safeguard the right to privacy of all persons.

11.19.1 DEFINITIONS

A. Special Operations Commander - The individual responsible for reviewing and approving the use of the sUAS in a law enforcement USAR mission. The Special Operations Commander has full oversight responsibility of all logistical and administrative elements of sUAS operations.

B. Team Leader – The individual responsible for assisting the Special Operations Commander with administrative functions related to the sUAS program, including maintaining a current list of all equipment that could be placed on the sUAS during operations. The Team Leader is also responsible for the condition and maintenance of the sUAS.

C. Pilot in Command (PIC) – The individual responsible for the overall flight operations of a specific mission.

D. Authorized Electronic System – Approved software platform that provides a comprehensive sUAS management system to include a repository of sUAS records.

11.19.2 QUALIFICATION

A. Aircraft

1. General Airworthiness: The Special Operations Commander shall be responsible for ensuring that the sUAS is maintained and flight ready according to the manufacturer's recommendations and related industry standards. In addition, the Special Operations Commander may rely upon the testing data and evaluation data provided by other government agencies, the aircraft manufacturer, and independent testing facilities.

2. Mission Specific Airworthiness: The PIC shall be responsible for ensuring that the sUAS is airworthy prior to each mission. The PIC may rely upon the inspection and reports provided by agency personnel appointed with the responsibility for maintaining the sUAS.

3. Maintenance: The Team Leader is responsible for the maintenance of the sUAS, which shall be performed by Aviation Unit pilots specifically trained on the maintenance of the sUAS or by manufacturer certified representatives and personnel. The PIC shall perform a pre-flight and post-flight inspection of the sUAS. Any equipment issues (otherwise known as squawks) shall be entered in the aircraft's squawk log and immediately reported to the Special Operations Commander. It shall be the responsibility of the Special Operations Commander to determine whether the reported squawks or issues need to be corrected prior to the next flight, which will then be documented in the aircraft's squawk log. This log is maintained within the authorized electronic system.

4. Software and hardware changes: All changes shall be documented in the authorized electronic system by persons authorized to conduct sUAS maintenance. All previously proven systems, to include payloads, may be installed or removed as required for missions and documented in the authorized electronic system. Test flights must be conducted and documented after major changes in the hardware or software.

5. Storage Transport: The aircraft shall be stored in a secure manner to limit possible damage to the unit while in transit. The sUAS should be stored in the assigned aircraft case and all latches ensured are secured.

6. Battery Charge: Any components necessitating a charged battery shall be charged in accordance with manufacturer's recommendations. To the extent permissible by manufacturer's recommendations, the sUAS shall be fully charged when not in use. The Lithium-ion Polymer (LiPO) batteries should be charged at the recommended amperage and not exceeded. If the LiPO batteries begin smoking or expanding (puffing) they should immediately be isolated for risk of explosion or fire. Never completely discharge LiPO batteries or they will become unable to hold a charge.

11.19.3 sUAS PILOT REQUIREMENTS

A. Part 91 – The Fayetteville Police Department is a public aircraft operator with an issued Certificate of Authorization and a Certificate of Waiver and Authorization from the Federal Aviation Administration under Part 91 of the Federal Aviation Regulations. The department is authorized to self-certify flight crews. A Pilot in Command (PIC) must meet the following sUAS training standards:

1. A passing score on a Level 1 proficiency assessment using a kit approved by the National Institute of Standards and Technology US Department of Commerce.

2. Score an 80% or higher on the departmental Part 107 written exam.

3. Have at least 8 hours of supervised flight time with a Part 107 FAA certified remote pilot.

4. Demonstrate the proper procedure to file a NOTAM, conduct a preflight inspection, and handle a loss of link.

B. Part 107 – The FAA Remote Pilot Certificate is required for commercial drone operations. To ensure that the department maintains superior knowledge on applicable regulations, airspace classification, operating requirements, flight restrictions, and emergency procedures, all departmental training will be conducted by a Part 107 certified remote pilot. All pilots will be encouraged to obtain their Remote Pilot Certificate.

11.19.4 OBSERVER

A. Visual observer means a person who is designated by the remote pilot in command to assist the remote pilot in command and the person manipulating the flight controls of the small UAS to see and avoid other air traffic or objects aloft or on the ground.

B. If a visual observer is required during the aircraft operation, all of the following requirements must be met:

1. The remote pilot in command, the person manipulating the flight controls of the small unmanned aircraft system, and the visual observer must maintain effective communication with each other at all times.

2. The remote pilot in command must ensure that the visual observer is able to see the unmanned aircraft in the manner specified in §107.31.

3. The remote pilot in command, the person manipulating the flight controls of the small unmanned aircraft system, and the visual observer must coordinate to do the following:

a) Scan the airspace where the small unmanned aircraft is operating for any potential collision hazard; and

b) Maintain awareness of the position of the small unmanned aircraft through direct visual observation.

11.19.5 TRAINING

A. PILOTS

1. All pilots who will be flying law enforcement missions shall be properly trained by either manufacturer representatives or Certified Instructors as designated by the manufacturer. The sUAS pilots will meet all conditions required by the FAA. The pilots will have a current working knowledge of the airspace intended for operations, Air Traffic Control communication requirements, specific sUAS aerodynamic factors, and the ability to obtain and interpret weather.

2. Mission Training**:** All pilots must undergo Mission Training to increase specific core competencies in all sUAS operations, systems and roles with conducting a mission in accordance with approved Mission Training Curriculum. This training is in addition to Basic Flight Operations Training.

3. Training**:** All pilots must have a minimum of three qualifying sUAS flights to include take-offs and landings in the preceding 90 days to be eligible to fly sUAS missions.

    a. Pilots shall complete all designated training. Personnel that routinely miss training days without excuse will be removed as qualified pilots.
    b. Recurrent training is not limited to actual pilot/observer skills, but includes knowledge of all pertinent sUAS and aviation matters.
    c. All members within the sUAS unit shall read the current COA/COW and maintain proficiency in their operator/observer abilities. Members who do not have documented training or flight time for the preceding 90 days shall demonstrate proficiency before performing pilot/observer duties during a mission.
    d. Failure to maintain/prove proficiency can result in removal from sUAS operations.

4. In-service Training: Each pilot must undergo in-service training every 12 months to include updated industry standards and field exercises, as well as a review of current case law governing the use of aviation assets as designated by the Special Operations Commander.

B. OBSERVERS

1. Initial Training**:** sUAS Observers shall meet all conditions of the most recent COA/COW issued by the FAA.

2. Mission Training: Observers will have a current working knowledge of the airspace intended for operations, Air Traffic Control phraseology and communication requirements, specific sUAS aerodynamic factors, and the ability to obtain and interpret weather.

3. In-Service Training: The Observer will receive specific training on relevant Part 91 regulations (14 CFR Part 91-Code of Federal Regulation), such as the obligation to see and avoid other aircraft and the ability to identify position for purposes of relaying position reports to the PIC.

4. Pre-flight Briefing: Observers must participate in the pre-flight briefing.

C. CAMERA AND REMOTE SENSING OPERATOR

1. The Camera Operator will receive specific training on camera and sensing equipment operations, including recording and storing digital data for evidentiary purposes prior to assisting with mission flights.

2. Camera Operators must participate in the pre-flight briefing.

11.19.6 FLIGHT OPERATIONS

A. Visual Line of Sight (VLOS) Operations:

1. With vision that is unaided by any device other than corrective lenses, the remote pilot in command, and the person manipulating the flight controls of the sUAS must be able to see the sUAS throughout the entire flight.

2. The sUAS may be operated up to 400 feet (AGL), or the UASFM grid height altitude, whichever is lower.
3. The PIC must contact DOD ATC for approval before operating in a grid area designated with a national security UAS flight restriction. The contact numbers are maintained with the UASFM Visualize It system.

B. Beyond Visual Line of Sight (BVLOS) Operations:

1. In Class G Airspace, at or below 200 feet above the ground or 100 feet above the height of any obstruction (natural or man-made) that is within a 100 foot radius of the sUAS, not to exceed 400 feet AGL.

2. In Class B, C, D, and E (surface area) Airspace, at or below 200 feet above the ground or below the UASFM altitude, whichever is lower.

3. When operating BVLOS, the PIC must utilize a detective system to identify aircraft that are transmitting ADS-B out. The authorized electronic system provides this feature, and it must be turned on within the settings.

4. The PIC must contact DOD ATC for approval before operating in a grid area designated with a national security UAS flight restriction. The contact numbers are maintained with the UASFM Visualize It system. Extreme caution should be exercised if flying BVLOS with approval in UAS national security flight restriction area. Military aircraft may not be transmitting ADS-B information.

C. <u>The minimum distance of the sUAS from clouds must be no less than 500 feet below the cloud and 2,000 feet horizontally from the cloud.</u>

D. <u>Exceptions:</u> Requests to operate in an area outside the approved operating areas should be limited to emergency operations. Operations shall be coordinated through the FAA's Special Government Interest (SGI) process by calling SOSC 24/7 at 202-267-8276. Requests to operate above UASFM grid heights in FBG Class D and POB Class C airspace may be coordinated with ATC.

E. <u>Weather:</u> The PIC shall verify the weather conditions in the immediate area of operations. Local source of weather may be utilized, the internet, phone application or may be observed on site. This includes calling the closest airport with Automated Weather Observation Systems (AWOS) or Automated Terminal Information System (ATIS) and calling the Flight Service Station (FSS) for a weather report for the area of operations.

1. A standard Meteorological Terminal Aviation Routine report (METAR) and Terminal Aerodrome Forecast (TAF) report shall be obtained regardless of visibility.

2. The UAS will not be flown outside the weather minimums identified by the manufacture or the approved Certificate of Waiver/Authorization (COA). The PIC shall have final determination of risk due to weather over any mission.

F. Heat: The operational guidelines for heat are less than 110 degrees Fahrenheit (37.77 degrees Celsius) at ground level. Operation in temperatures over this mark should be noted with the air density as obtained from the pre-flight weather report. The battery and length of flight should be adjusted accordingly based upon high humidity and temperature with air density. These local conditions may warrant the PIC opting to not fly based upon these flight conditions

G. Cold: The operational guidelines for cold are greater than 0 degrees Fahrenheit (-17.77 degrees Celsius) at ground level. Operation in temperatures under this mark should be noted with the air density as obtained from the pre-flight weather report. The battery and length of flight should be adjusted accordingly. Also, if the moisture level is high, conditions should be noted for icing on wings and flight surfaces. These conditions may warrant the PIC opting to not fly based upon these flight conditions.

H. Wind: The sUAS will not be operated in sustained winds greater than 15 knots or the maximum wind speed resistance as specified by the manufacturer. The PIC may decide that wind conditions at the area of operation are too hazardous and opt to not fly.

I. Rain, Snow and Fog: The operational guidelines for these conditions are based upon visibility and operator safety at the local site. The PIC and Observer must adhere to the line-of-sight and VFR weather minimum requirements. Certain sUAS systems are not weather resistant and should not be flown during situations with precipitation.

11.19.7 MISSION

A. Mission Requests**:** All requests for sUAS to provide support for a mission shall be forwarded to the Special Operations Commander. Considerations for use of sUAS shall include the following:

1. The location of the mission, for purposes of insuring the safety of people and property.

2. The intended area of operation, for purposes of evaluating the ability to mitigate potential air-to-air conflicts. Such evaluation will consider the current landing patterns at airports in the vicinity. Whenever the approach path of an airplane to a nearby airport would involve flying over the intended area of operation, such operations shall be coordinated with the appropriate air-traffic control facility. All coordination will be done in accordance with any requirements in the police department's COA/COW issued by the FAA.

3. The weather and its potential effect on the aircraft, including the potential to carry the aircraft to an area of air-to-air conflict.

4. The currency of the PIC and Observer.

5. The potential usefulness of the information gathered by the sUAS versus information gathered through other means.

6. Any other relevant risk factors to successfully complete a risk benefit analysis for the use of sUAS in the specific mission. Risk factors may include but are not limited to tree canopy, distance between buildings, smoke, etc.

7. Strength of radio and GPS signal as indicated on the sUAS.

B. Pre-flight Preparation: Before any mission the PIC must conduct a Pre-Flight Briefing.

C. Scene Review: The PIC and Observer (if used) are responsible for identifying any unsafe conditions at the scene. This includes, but is not limited to:

1. Take-off and landing site: This area should be free of obstructions, items on the ground and debris that may interfere with the rotors. This includes creation of a flight line, from which other law enforcement officers and civilians must remain clear.

2. Flight perimeter: The site must utilize law enforcement officers and standard protocols to minimize civilian traffic or interference during the operation.

3. Safety View: The flight team should identify trees, bushes, power lines, and other potential obstructions and coordinate the pre-flight briefing accordingly.

4. Interference: The flight team should identify Cell Towers, TV and Microwave sources, which might create interference with the flight equipment. The equipment should be tested on the ground to insure proper communications and operation before the flight.

5. Sectional chart: The flight team will maintain a current copy of a VFR Sectional Chart for the area in which flight operations will occur.

D. Flight Operations:

1. All flight operations shall be conducted in accordance with the manufacturer's recommendations.

2. The sUAS must operate with position/navigation or anti-collision lights at all times unless authorized by the FAA.

3. Launch Site Selection: Site selection shall be driven by safety first and foremost. Selection of launch sites will be considered based upon:

   a. No launches shall occur until all environmental assessments have been considered. The PIC has the final authority to abort any launch based upon hazards to the environment, themselves, or other personnel in the area.

   b. The PIC shall select a launch site that ensures UA departures are not over populated areas.

4. Primary & Alternate Landing Sites:

   a. Primary landing site - Typically the primary landing shall be the same as the launch site. The PIC has final authority for any approaches to the primary site and may wave off any approach deemed unsafe.

   b. Alternate landing sites - The PIC shall designate at least one alternate landing site. In the event that the primary landing site is deemed unsafe, procedures to utilize the secondary site will be invoked.

5. RTH Programming: Prior to take off, the UAS will be programmed to allow it to return to home if the signal is lost from the transmitter. A designated safe area of at least 25 feet shall be maintained during lift off between UAS's and personnel When the UAS is deployed to meet an approved mission task, it shall be recovered within the same general area if possible.

6. Risk to Public: The PIC shall make every effort to ensure that flight operations will not pose any undue risk to the public not directly involved with the effort. The PIC shall have final determination of risk to the public and authority over any launch of his/her own aircraft. In all cases, the UAS will not be flow over persons that is in violation of the FAA approved COA.

7. Risk to Property: The PIC shall make every effort to ensure that flight operations will not pose any undue risk to any property in the area involved with the effort. The PIC shall have

final determination of risk to the property and authority over launch of his/her own aircraft. In all cases, the UAS will not be flow over property that is in violation of the FAA approved COA.

8. Risk to participating personnel: The PIC shall make every effort to ensure that flight operations will not pose any undue risk to the personnel directly involved with the effort. The PIC shall have final determination of risk to the public and authority over any launch of his/her aircraft.

E. Emergency Procedures

1. Air-to-Air de-confliction: If at any time the PIC and/or Observer believe there is a potential for air-to-air conflict, risk of harm to individuals or property, the PIC shall immediately land the aircraft.

2. Lost Link: In the event of a lost link with the aircraft, lost link procedures shall be executed including RTH operations or the immediate landing of the aircraft. If the aircraft does not immediately execute these orders, the PIC shall notify the appropriate ATC.

3. Lost Communications: The Fayetteville Police department has 800 MHz truncated radio systems with backup systems on NC Viper radio link. In addition, the radio systems can be used line of sight for operations. Should all communication fail between the PIC and Observer, the PIC will consider the manner as a lost link and activate the return to home feature on the system and abort the operation until such time as communications can be reconnected between the PIC and Observer.

4. Lost UAS Sight: In the event that both crew members lose sight of the aircraft the pilot will initiate a Go-Home on the remote control. The Go-Home protocol is identical to the Loss of Link protocol. Once visual contact with the aircraft is re-established the pilot will take-back the aircraft using the remote control.

5. Fire: UAS will be flown away from people and property until a safe landing location can be found. A fire extinguisher and first aid kit will be located at the mission site.

6. Loss of Engine: During an engine failure UAS flight cannot be maintained and the UAS will make an uncontrolled landing. An announcement will be made to all crew members of the loss of the flight of the aircraft and to watch for the landing site. One crew member will bring a fire extinguisher to the landing site in case of fire.

7. Unusual Attitude: Onboard stabilization gyros will be allowed to level aircraft before control is resumed by ground control.

8. Fly Away: In an unlikely event of a "Fly Away" scenario, the PIC will immediately contact Fayetteville ATC at 910-484-8012 or on 118.3 (ATC) or 133.00 mhz Fayetteville Approach and Departure control. The PIC must provide the location, maximum altitude, programmed lost link maneuvers, battery time remaining, and direction of travel. PIC's will immediately attempt to regain connection and if such does occur, the flight will be discontinued. The UAS will be landed as soon as possible with emphasis for the safety of the public and property.

11.19.8 PROHIBITED ACTIONS

A. Warrantless Search: The sUAS shall not be operated in violation of the North Carolina and United States constitutions, statutes, or regulations.

B. Exceeding Aircraft Limitations: The sUAS shall not be flown in conditions that exceed the manufacturer's recommended limitations, including range, ceiling, wind strength, and battery charge.

C. High Risk Missions: The sUAS shall not be flown for any mission in which the Special Operations Commander, Team Leader or the PIC determines the risk of flying the sUAS outweighs the benefit to the mission. Risks may include hazards to individuals or property on the ground, possible collision hazard with other aircraft, or loss of control of the sUAS. Neither the Special Operations Commander nor the Team Leader can countermand a PIC's determination to not fly a mission. However, either Special Operations Commander or the Team Leader CAN countermand a PIC's determination to fly a mission. The PIC has sole accountability for the sUAS during flight operations.

D. Spraying and Dropping: The PIC is prohibited from spraying or dropping anything from the aircraft and carrying hazardous materials unless performed under approval of the FAA COA.

E. Prohibited Airspace: sUAS flights are prohibited in military airspace identified as R-5311 without authorization from its controlling agency (Range Control). Operations inside any controlled airspace shall only be performed under approval of the FAA COA.

F. Daisy-chaining Observers: Unless authorized by the FAA, daisy-chaining Observers to extend line-of-sight is prohibited.

G. Flying for Compensation: As a "public aircraft," flying for compensation or hire is prohibited. Cost reimbursement between government units is permitted.

11.19.9 DOCUMENTATION AND REPORTING

A. Flight Documentation: The PIC or their designee shall complete all department flight documentation including pertinent information about the aircraft, flight conditions, type of mission, and mission parameters. These records are maintained within the authorized electronic system. Monthly reports containing the above information or indicating no flights occurred during the month shall be submitted to the FAA through the COA online system by the Team Leader authorized by the FAA to submit the documentation. Operations conducted under the COW do not require monthly reports to be provided through the CAPS/CADZ.

B. Incident and Crash Documentation: The Special Operations Commander, Team Leader, or his designee, shall be responsible for reporting any incidents or crashes to the FAA through the COA online system and supplying any additional documentation that may be required.

1. The remote PIC of the sUAS is required to report an accident to the FAA within 10 days if it meets any of the following thresholds:

    a. Serious injury to any person or any loss of consciousness. A serious injury is an injury if a person requires hospitalization, but the injury is fully reversible (including, but not limited to, head trauma, broken bone(s), or laceration(s) to the skin that requires suturing).
    b. Damage to any property, other than the small UAS, if the cost is greater than $500 to repair or replace the property (whichever is lower).

        Note: For example, a small UAS damages property whose fair market value is $200, and it would cost $600 to repair the damage. Because the fair market value is below $500, this accident is not required to be reported. Similarly, if the aircraft causes $200 worth of damage to property whose fair market value is $600, that accident is also not required to be reported because the repair cost is below $500.

        The report may be submitted to the appropriate FAA Regional Operations Center (ROC) electronically or by telephone. Electronic reporting can be

completed at www.faa.gov/uas/. FAA Regional Operations Centers Telephone List. Reports may also be made to the nearest jurisdictional FSDO.

http://www.faa.gov/about/office_org/field_offices/fsdo/.

The report should include the following information:

1. sUAS remote PIC's name and contact information;
2. sUAS remote PIC's FAA airman certificate number;
3. sUAS registration number issued to the aircraft, if required (FAA registration number);
4. Location of the accident;
5. Date of the accident;
6. Time of the accident;
7. Person(s) injured and extent of injury, if any or known;
8. Property damaged and extent of damage, if any or known; and
9. Description of what happened.

FAA Regional Operations Centers Telephone List

FAA REGIONAL OPERATIONS CENTERS LOCATION WHERE ACCIDENT OCCURRED: TELEPHONE: DC, DE, MD, NJ, NY, PA, WV, and VA 404-305-5150

AL, CT, FL, GA, KY, MA, ME, MS, NC, NH, PR, RI, SC, TN, VI, and VT 404-305-5156
AK, AS, AZ, CA, CO, GU, HI, ID, MP, MT, NV, OR, UT, WA, and WY 425-227-1999
AR, IA, IL, IN, KS, LA, MI, MN, MO, ND, NE, NM, OH, OK, SD, TX, and WI 817-222-5006

National Transportation Safety Board (NTSB) Reporting. In addition to the report submitted to the ROC, and in accordance with the criteria established by the NTSB, certain sUAS accidents must also be reported to the NTSB. For more information, visit www.ntsb.gov.

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **11.20**
	Subject **HOMELESS COORDINATOR**	**Effective Date** 11 April 2023
	Revised **NEW**	**Page** 1 of 2

This Operating Procedure was rescinded on July 17, 2025.

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

11.21.0 OBJECTIVE

The School Resource Officer (SRO) program aims to place law enforcement officers on school campuses in the City of Fayetteville to ensure the safety and security of public schools' faculty, and students. SROs also build positive relationships between students, staff, and law enforcement, improving collaboration between schools and law enforcement.

11.21.1 DEFINITIONS

School Resource Officer (SRO): In accordance with N.C.G.S. 115C-105.58 a school resource officer is any law enforcement officer assigned to one or more schools at least 20 hours per week for more than 12 weeks per calendar year, to assist with all of the following, consistent with any written agreement between the governing body of the school and the law enforcement agency governing the school resource officer:

1. School safety.
2. School security.
3. Emergency preparedness.
4. Emergency response.
5. Any additional responsibilities related to school safety or security assigned by the officer's employer while the officer is acting as a school resource officer.

Juvenile - is any person who has not reached the age of 18 and is not married, emancipated, or a member of the Armed Forces.

11.21.2 REQUIREMENTS

A. Must have a minimum of two years of solo patrol from completion of field training with the Fayetteville Police Department or have at least 2 years of law enforcement experience at another municipal police department or sheriff's office.

B. The following requirements are in accordance with NC Administrative Code 12 NCAC 09B.0313 Certification and Training for SROs:

1. Complete the School Resource Officer Training Course authored by the North Carolina Criminal Justice Academy within one (1) year of assignment as a School Resource Officer.
2. The term of certification as a SRO shall be indefinite, provided the SRO completes during each calendar year one credit of SRO refresher training authored by the North Carolina Justice Academy.
3. A certified SRO who has not completed refresher training during a calendar year as established by this rule shall not work in a school as a School Resource Officer until the officer has completed the required refresher training as established by this rule.
4. Any refresher that is not completed during a single calendar year must be made up on or before January 31st of the following calendar year.
5. Any officer who fails to resolve a deficiency in the refresher training shall no longer maintain School Resource Officer certification.
6. The agency head shall submit to the Sheriffs' Standards Division a Form F-20 Commission School Resource Officer Assignment Form for the person(s) selected to act as a School Resource Officer for the agency.

11.21.3 EMPLOYMENT STATUS

School Resource Officers assigned under any agreement between the Fayetteville Police Department and Cumberland County Schools shall remain employees of the Fayetteville Police Department. Assignment as an SRO shall not abridge any employment rights, benefits, compensation, promotional opportunities, training opportunities, or disciplinary protections afforded under City policy, Department directives, or applicable law.

11.21.4 PROCEDURES

A. Officer Responsibilities

1. Remain on the school campus during duty hours.
2. Respond to calls of service at assigned school and as needed or directed to calls for service at other area schools.
3. Establish and maintain relationships with School Administrators and Teachers.
4. Work to build positive relationships with students by participating in school events and activities.
5. Provide support and assistance when requested by the school administration.
6. Gather intelligence related to bullying, gang activity, and narcotics.
7. Assist other officers and agencies with investigations on school campuses.
8. Complete any follow-ups on school campuses as requested by other department officers.
9. Absence from campus during school hours will only be for official business and after giving prior notification to his/her supervisor and to appropriate school administrative personnel.
10. Investigate criminal activity on or adjacent to school property when appropriate for the school's security.
11. Provide security for special school events or functions, such as athletic events and meetings, after their assigned duty hours when not staffed by off-duty officers.
12. Participate in and support crime prevention programs to educate and reduce the opportunity for criminal activities on school property.
13. When school is not in session, the SRO will perform other duties assigned by the Chain of Command.
14. Record accurately and completely all pertinent information using official reporting systems and forms.
15. Complete all reports in the departmental approved format.

B. Supervisor Responsibilities

1. Serve as the vital resource between the Fayetteville Police Department and Cumberland County Schools, which is crucial in maintaining effective communication and collaboration.
2. Communicate pertinent information regarding SROs and school-based issues with the SRO chain of command.
3. Complete administrative tasks including but not limited to the review and approval of incident reports, follow ups, property dispositions, and other tasks identified by the Community Resource Lieutenant.
4. Approval of weekly duty time in the department's approved timekeeping system.
5. Review and approve requests for vacation, sick, and military leave.
6. Ensure the SRO adheres to the Fayetteville Police Department's Secondary Employment policy when working on all Cumberland Schools County sites and Cumberland Schools County-related events.
7. Determine the assignment of SROs during all Cumberland Schools County holidays, summer breaks, and teacher workdays (selections will support the organization's needs).
8. Complete mid-cycle and yearly evaluations of the SRO’s.
9. Coordinate annual and in-service SRO training to include initial SRO training for new SROs.
10. Conduct randomized Body-Worn Camera Audits.
11. Conduct SRO interview processes as needed.

12. Constantly assess SRO staffing needs and coordinate with the Community Resource Lieutenant.

C. Duties

1. The SRO will ensure a safe environment for those attending school by:

    a. Monitor the hallways and bathrooms of the school during class changes for criminal activity.
    b. Monitor the school parking lots for criminal activity.
    c. Monitor the lunchroom of the school for criminal activity.
    d. Monitor the school campus for unauthorized visitors or trespassers.

2. SROs are not school faculty or staff members. They are a resource dedicated to maintaining the safety and security of our school community, they should not at any time enforce actions that are solely school rules.
3. Notify the school administrators when leaving the school.
4. SROs must immediately notify their supervisors regarding any dangerous or potentially dangerous incident that may occur or has occurred on school property, including, but not limited to, a shooting, serious assault, fire, weapons, or narcotics of any kind on a school campus, etc.
5. Immediately inform the principal of any emergency police action on school property and provide necessary support as per the situation. This support may include but is not limited to securing the area, providing information to the school community, and coordinating with other law enforcement agencies.
6. The SRO will only seize property related to suspected criminal activity.
7. School administrators should primarily initiate searches/interrogations unless circumstances require SRO intervention or initiation.
8. School Resource Officers will refrain from removing students from a classroom or restraining students unless:

    a) The student poses a danger to himself or others in the classroom, including students, faculty, staff, or the SRO.
    b) The student is causing damage to the school or another individual's property.
    c) The student is causing a disturbance or otherwise engaging in conduct constituting a violation of law.

9. The SRO plays a crucial role in reviewing all the Fayetteville Police Department Security Emergency Plans and Security Assessments for each of their assigned schools (including all elementary schools assigned) each year. Their input and suggestions for changes or improvements are highly valued and integral to the safety of the schools. The SRO will also review emergency plans and security assessments of all private schools to which they are assigned.

11.21.5 CUSTODIAL INTERROGATION PROCEDURES

A. The parents will be promptly notified of the juvenile's custody, and their presence may be required at the location of the incident. This parental involvement is crucial for ensuring the juvenile's well-being and understanding of the situation.

1. Under normal circumstances, the juvenile may be transported to the Youth Services Section.
2. In certain circumstances, it may be in the best interest of the juvenile and parent to conduct the interrogation at the arrest location, provided it can be done in a private setting free from interruptions and distractions.
3. Transporting the juvenile to his home may be necessary before interrogation.

B. By N.C.G.S. 7B-2101 of the Juvenile Code, all juveniles in custody and interrogated will be advised of their constitutional rights under N.C.G.S. 7B-2101 before any interrogation. Suppose a juvenile is under the age of 18 and is charged as an adult. In that case, they will still be given their juvenile rights until their first appearance, formally charged, and jurisdiction transferred to the Superior Court. If you have a juvenile in a custodial setting, they must be

electronically recorded (audio only is fine). The recording should begin when the subject is placed into the room and end when they are removed. If there is a break in the interrogation, the record must reflect that break.

11.21.6 ACTIVE ASSAILANT RESPONSE

This section outlines the procedures and protocols for school resource officers (SROs) and patrol officers' response to an active shooter situation in a school setting. The SRO will prioritize the safety of students and staff while taking necessary action to stop the shooter.

A. Immediate Response:

Upon receiving information about an active assailant situation in a school, the SRO will immediately proceed to the location of the threat. The SRO will notify dispatch and request additional law enforcement support enroute to the school.

B. Communication Plan:

The SRO will coordinate the response by communicating with dispatch, school officials, and other responding units and relaying critical information about the location and description of the threat to them.

C. Coordination with School Staff:

As a critical figure in the response plan, the SRO will work closely with school staff to implement lockdown procedures and ensure the safety of students and staff. The SRO will also coordinate with school administrators to identify safe areas for evacuation and sheltering in place.

SROs have been provided access to and trained on the use of the “Rave Application” by the Cumberland County School System. The “Rave Application” will be utilized to notify dispatchers, and other responding personnel of the status that the school is in. These statuses include HOLDING in the classroom, SECURING the building, LOCKDOWN the facilities, EVACUATING the facilities, and SHELTERING in place.

D. Training and Drills:

Regular and rigorous training and drills prepare the SRO for active threat incidents, instilling a sense of readiness and confidence in their abilities. The SRO will participate in joint training exercises with school staff and law enforcement agencies to practice response protocols.

The SROs have been through Active Assailant Response training provided by the FPD Training Center Staff. The SROs are also encouraged to seek additional training opportunities to further their knowledge and abilities of addressing active assailant scenarios that they may encounter.

E. Post-Incident Procedures:

After the active threat has concluded, the SRO will assist with securing the scene and providing medical assistance to victims. The SRO will collaborate with investigating officers to gather evidence and conduct interviews.

F. Patrol Response Protocol:

If the situation allows, responding patrol officers will approach the school discreetly to gather intelligence and assess the situation before engaging the threats. If the first arriving officer determines an active threat, they should immediately engage, isolate, and neutralize it before other officers arrive. They should use the following:

1. Contact Officer: The first responder to arrive on the scene.

2. Rescue Team: This team should enter the building or area once the threat has been neutralized or once enough contact teams have been deployed. They are responsible for locating the injured, providing necessary treatment, and evacuating them.
3. Perimeter Team: This team is responsible for shrinking the established perimeter, ensuring safe evacuation, and cutting off suspect escape routes.
4. Evacuation Team: Once the suspects are contained or eliminated, this team will be responsible for the organized removal of innocent parties. The evacuation should be orderly to minimize trauma and establish a safe area.

G. Post-Incident Procedures:

After the active threat has concluded, the SRO will assist with securing the scene and providing medical assistance to victims. The SRO will collaborate with investigating officers to gather evidence and conduct interviews. After the incident, the SRO will support students, staff, and the community.

11.21.7 CONCLUSION

The SRO Program is a testament to the strong partnership between the Fayetteville Police Department, Cumberland County Schools, and the community. The program aims to promote and foster this ongoing partnership, ensuring safer schools, successful students, and productive citizens. This program reassures us of the safety measures, instilling confidence in our collective efforts.

11.21.8 REFERENCES

OP 3.05	Custody and Control of Arrestees and Their Property
OP 3.24	Law Enforcement Recordings
OP 4.05	Critical Response Plan
OP 7.01	Youth Services
OP 7.02	Juvenile Offender Guidelines
OP 7.03	Preventing and Controlling Juvenile Delinquency
N.C.G.S. 7B-2101	Interrogation Procedures
N.C.G.S. 115C-105.58	School Resource Officer (SROs)
NC Administrative Code 12 NCAC 09B.0313	Certification and Training for SROs

CALEA Law Enforcement Standards	3.1.2, 44.1.1
CALEA Communications Standards	N/A
CALEA Training Academy Standards	N/A

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

11.22.0 OBJECTIVE

This policy establishes guidelines for TCOs to ensure the safety of school-age children at designated crossing zones. The policy includes training requirements, daily tasks, issued equipment, and the utilization of Everbridge for timekeeping procedures.

11.22.1 DEFINITIONS

Traffic Control Officer (TCO) —The Traffic Control Officer is a part-time employee of the Fayetteville Police Department who provides a safe crossing for schoolchildren going to and from school each day that school is in session.

11.22.2 SELECTION

TCOs are part-time employees of the City of Fayetteville Police Department. Applicants shall be selected through an application process, background investigation, and interview. Selection criteria shall be based on the knowledge, skills, abilities, and personal characteristics necessary to safely and effectively perform the duties of a Traffic Control Officer, including the ability to communicate effectively with children and motorists, exercise sound judgment, follow departmental policies and procedures, work independently, and safely direct pedestrian and vehicle traffic. The City of Fayetteville is an Equal Opportunity Employer and affirms that no applicant or employee shall be deprived of employment opportunities because of such individual's race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age (40 or older), disability, natural hair, hairstyle, or genetic information.

11.22.3 TRAINING REQUIREMENTS

1. TCOs shall be trained in traffic control bi-annually and appointed as official "Traffic Control Officers" by the Chief of Police, as provided in General Statute 20-114.1(c).
2. All TCO's will attend a scheduled meeting at the beginning of the school year, and during the winter break to inform them of city policies, training, and Information Technology/Payroll assistance.
3. All TCOs must complete at least 4 hours of training before assuming their duties.

    a. Training topics will include traffic safety, statutory authority, communication skills, and departmental policies.
    b. NCJA Certified General Instructors will conduct the training sessions.
    c. The practical exercises or field training sessions will be conducted under the supervision of sworn Traffic Support Personnel, Civilian Traffic Investigators, or designated Senior Traffic Control Officers

11.22.4 TCO RESPONSIBILITIES

1. Report to the assigned school crossings on time and remain for the entire assigned time unless approved for time off by their supervisor.
2. If they are not able to be at their post at the required time due to illness, etc., they must inform the SRO Supervisor or the SSB Office Assistant about the absence no later than 30 minutes before the

start of their morning shift or 1200 for the afternoon to allow ample time to assign proper coverage of the post.
3. In the performance of their official duty, they must utilize all safety devices, including a traffic vest, stop sign, and whistle.
4. Use appropriate hand signals and verbal cues to guide children safely across the street.
5. Ensure the safe passage of school-age children at designated crossing zones before and after school hours.
6. Monitor traffic conditions and report safety concerns to the appropriate authorities.
7. Assist children with disabilities or special needs to ensure their safe crossing.
8. Shall obey all procedures, rules, regulations, policies, directives, and laws that govern their duties as School TCOs and their private lives as law-abiding citizens
9. Report any unlawful acts observed while working at their post and any situation that would pose a safety hazard to children or other citizens using the crossing.
10. Civilian Traffic Investigators, Traffic Officers and/or patrol will supplement any coverage in the event TCO staffing reaches critical levels.

11.22.5 SUPERVISOR RESPONSIBILITIES

1. Ensure that all TCOs adhere to the policies and procedures outlined in this Operational Procedure.
2. Immediately follow up on all reported incidents, accidents, or safety concerns.
3. Conduct periodic evaluations to ensure TCOs perform their duties effectively and by the policy.
4. Annual review of the TCO policy to ensure it remains current and aligned with best practices in pedestrian safety.
5. Providing feedback to TCOs to improve their daily assigned tasks.

11.22.6 ISSUED EQUIPMENT

1. The TCO shall be issued

    a. Hand-held “Stop Sign”
    b. Reflective Vest
    c. Whistle
    d. Raincoat
    e. Issued White Polo with TCO Patch
    f. Jacket
    g. Pants (3 pairs of pants)
    h. FPD Identification (indicating that they are a TCO)

2. The TCO is responsible for maintaining issued equipment and notifying the SRO supervisor of any damaged or lost equipment.

3. The TCO shall wear and utilize the issued the equipment while in the discharge of their duties to identify themselves as a TCO with the Fayetteville Police Department.

    a. The supplied jacket is optional during inclement weather.

11.22.7 CHECK-IN AND OUT PROCEDURE

The TCOs will utilize the ReadyOP Notification System at the beginning of their scheduled shift to document their work hours accurately. The procedure for this notification process is:

1. The ReadyOP notification system will be used to send shift start reminders and serve as a reminder to call the SSB Office Assistant if they are going to be absent.

2. Supervisors will have real-time access to the ReadyOP dashboard to track TCOs' attendance and performance.

11.22.8 REFERENCES

N.C.G.S. 20-114.1(c)	Willful Failure to Obey Law Enforcement or Traffic Control Officer

CALEA Law Enforcement Standards	61.3.4
CALEA Communications Standards	N/A
CALEA Training Academy Standards	N/A

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **11.23**
	Subject **SHOTSPOTTER ALERTS**	**Effective Date** 14 July 2025
	Revised NEW	**Page**
	CALEA Standard N/A	1 of 2

11.23.0 OBJECTIVE

This directive outlines the standard operating procedure for any sworn officer response to ShotSpotter gunfire detection alerts. It is intended to ensure timely, consistent, and effective response to potential firearm-related incidents in our jurisdiction.

11.23.1 APPLICATION

All sworn personnel are required to be fully prepared and responsive to ShotSpotter alerts during their assigned shifts. The following procedures shall be followed without exception:

A. Application Access and Availability

a. All officers must log into the ShotSpotter application at the start of their shift. The application must remain open and actively monitored on their issued computer throughout the entire shift.

b. Officers issued a city-owned mobile phone are also required to have the ShotSpotter app installed, logged in, and open for the duration of their shift. This ensures redundancy and reliable receipt of alerts in real time.

B. Alert Response Protocol

a. When a ShotSpotter alert is received, any available officer not engaged in a higher-priority assignment shall self-dispatch to the alert location without delay.

b. Upon arrival, officers are expected to:
   i. Conduct a thorough area check for evidence of gunfire (e.g., shell casings, injured parties, property damage).
   ii. Secure any evidence located, preserve the scene, and initiate proper crime scene protocols as necessary.
   iii. Canvass the area for witnesses and surveillance cameras.
   iv. Ensure you are referencing ground-truth within the ShotSpotter application.

C. Documentation and Reporting

a. Officers must ensure all responses to ShotSpotter alerts are properly documented in CAD and/or the relevant incident report.

b. If no evidence or suspicious activity is located, officers must still log the response with appropriate notes detailing the search and outcome.

D. Supervisor Notification

a. If evidence of a shooting is located (e.g., victims, casings, damage), the responding officer must immediately notify a field supervisor and update the ShotSpotter ground truth within the application.

b. Supervisors are responsible for ensuring responding officers update ShotSpotter ground truth within the system.

c. Supervisors are responsible for ensuring proper crime scene management and determining whether additional investigative units are needed.

11.23.2 CONCLUSION

The ShotSpotter system is a vital tool in our department's efforts to respond proactively to gun violence. Timely and professional officer response is essential to community safety, successful investigations, and building public trust.

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **11.24**
	Subject **FACIAL RECOGNITION POLICY**	**Effective Date** 2 September 2025
	Revised NEW	**Page** 1 of 5
	CALEA Standard N/A	

11.24.0 OBJECTIVE

The purpose of this policy is to establish procedures for the acceptable use of the images, information, and tools within facial recognition systems. This policy applies to all sworn and civilian law enforcement personnel.

It is the policy of the Fayetteville Police Department to utilize facial recognition only to identify persons involved in criminal cases, other specific law enforcement related purposes, and in the support of public welfare. The Fayetteville Police Department requires investigators, involved in criminal cases, to seek corroborating evidence on any person identified after receiving the results of a probe image search submitted to a departmentally authorized facial recognition database. The corroborating evidence should independently support probable cause for criminal charges. Department members who are authorized to use facial recognition databases shall only utilize lawfully acquired images and only compare them against lawfully acquired (e.g., mugshots) or publicly available image galleries.

11.24.1 DEFINITIONS

A. **Facial Recognition:** An automated process of matching face images utilizing algorithms and biometric scanning technologies.

B. **Facial Recognition Section**: Department members trained and authorized to use facial recognition software, whose duty it is to conduct facial recognition searches.

C. **Probe Image:** Any face image used by face recognition software for comparison with the face images contained within a face image repository.

D. **Repository:** A location or database, digital or otherwise, in which images of a face or faces are collected and stored for comparison during a facial recognition search.

E. **Likely Candidate:** A specific image contained within a candidate list depicting the face of a person which, when combined with a human-based facial comparison, depicts enough similarities or attributes resulting in further investigation and peer review.

F. **Peer Review:** An additional layer of verification of facial recognition results by which another authorized user in the Facial Recognition Section conducts an independent (blind review) probe image search.

11.24.2 BACKGROUND

A. The Fayetteville Police Department seeks to continually balance the use of technology based investigative tools against privacy concerns to ensure that the constitutional rights and the safety of all individuals are both protected. The Department seeks to assess the potential benefits of the

technology against potential community concerns to determine which technologies to utilize and what procedures and policies to enact.

Facial recognition software is intended to assist officers and investigators with identifying criminal actors while ensuring that improper or incorrect visual identification does not lead to the arrest of an innocent individual. It is intended to provide investigators with tools to develop possible suspects in certain crimes based upon similarities in facial characteristics.

Facial recognition may be used as a piece of evidence in an investigation. However, it is the investigator's obligation and responsibility to ensure that the necessary level of additional supporting evidence exists to establish needed legal standards to pursue criminal charges. Facial recognition may also be used by the Department to support public welfare and medical related events to help with subject identification.

B. Investigative and Public Welfare Uses

The following list provides investigative and public welfare uses for which authorized users may conduct facial recognition searches.

1. To help identify an individual when there is a reasonable suspicion the individual has committed, is committing, or is planning the commission of a crime.
2. To help identify a crime victim, including a victim of online sexual abuse material.
3. To help identify a victim of human trafficking or an individual involved in the trafficking of humans, weapons, drugs, or wildlife.
4. To help identify a person that may be a missing person.
5. To help identify a person who is suffering from a mental or physical disability impairing their ability to communicate and be understood.
6. To help identify a deceased person (i.e. where foul play is expected).
7. To help identify a person who is incapacitated or otherwise unable to identify themselves.
8. To help identify an individual lawfully detained.
9. To help mitigate an imminent threat to public safety, a significant threat to life including acts of terrorism.

Any results from a facial recognition system shall be used only as a guide for the investigation.

11.24.3 DEPARTMENT PROCEDURES

A. In accordance with this policy, employees shall only utilize departmentally authorized facial recognition systems on city issued devices. (i.e. Cellphones, Laptops, tablets etc.)

B. The following are to be followed by any department member who utilizes facial recognition:

1. Any facial recognition user shall, prior to utilizing such tool: Receive departmentally approved training.

a. Receive a unique username and password from a departmental administrator. The Crime Information Center shall be responsible for maintaining a list of all current users of any facial recognition database.

2. When utilizing facial recognition systems, any user shall:

a. Only utilize facial recognition for official and legitimate law enforcement business.
b. Log in with their assigned unique username and password.
c. Record the case number in the incident report and, if applicable, in the investigative database.
d. Record the legitimate law enforcement reason for the search in the incident report and, if applicable, in the investigative database.
e. Only utilize probe images that have been collected in accordance with state and federal law.
f. Only use facial recognition services authorized by the Fayetteville Police Department are maintained by the Crime information Center.
g. All department members who submit facial recognition request will be required to document such requests and the results of such requests, with or without investigative leads, in their incident report (as a supplement)

11.24.4 INVESTIGATIVE STEPS

Investigators should conduct thorough investigations to clear the innocent and establish evidence to determine the viability of leads on potential suspects. Investigators are encouraged to communicate with supervision, analysts, and prosecutors for assistance as needed.

All facial recognition searches in attempts to identify an unidentified suspect during a criminal investigation will follow the process below.

1. Software-based facial recognition through a repository.
2. Human-based facial comparison of candidates within a candidate list.
3. Peer review of likely candidates in a candidate list.
4. Investigation of a likely candidate to reveal corroborating or exculpatory evidence.
5. Investigative supervisor review prior to taking criminal charges.
6. Judge review of evidence prior to warrant issuance.

The Facial Recognition Section SOP shall describe the process for receiving and performing facial recognition searches and disseminating results within the Department.

11.24.5 PROHIBITED ACTIONS

A. No personnel of the Fayetteville Police Department shall connect any facial recognition system to any interface that performs live video surveillance, including surveillance cameras, drone footage, and body-

worn cameras. This does not preclude still images or snapshots from being captured from video streams and being submitted for a probe search in accordance with the requirements of this policy.

B. Employees shall not utilize facial recognition in live streamed or recorded video of the general public.

C. Facial recognition shall not be utilized to surveil the general public

D. At no time is the use of force permitted to capture a subject's image for a probe image search.

E. Personal use, queries not related to legitimate agency duties, sharing, copying, or the passing of information to unauthorized personnel.

F. Harassing and/or intimidating any individual or group.

G. Facial recognition technology shall not be used to conduct surveillance of persons or groups based solely on their religious, political, or other constitutionally protected activities, their race, ethnicity, gender, sexual orientation, sexual identity, or other constitutionally protected class membership.

H. Facial recognition technology shall not be used to monitor persons in real-time.

I. Any other purpose, access, use, disclosure, or retention that would violate applicable local, state, or federal law or agency policy.

11.24.6 RELEASING FACIAL RECOGNITION DATA TO OTHER AGENCIES

Fayetteville Police Department personnel shall not allow direct access to its facial recognition system. Outside agencies may request assistance on cases. Requests must meet all requirements of this policy to be considered and approved. Approval of such requests shall be authorized by the Crime Information Center, Command Staff or Chief's designee and all relative policy requirements of this department shall be documented.

The Fayetteville Police Department may establish requirements for external law enforcement agencies to request face recognition searches. These will be documented in an interagency agreement or MOU, maintained by the Fayetteville Police department will include an assurance from the external agency that it complies with the laws and rules governing it, including applicable federal and state laws. The agreement will specify only those agency personnel who have been authorized by the Fayetteville Police Department, who have completed the required training, and that requests are for official use only/law enforcement sensitive (FOUO/LES). Each outside request must be accompanied by a case number from the other agency. All facial recognition searches resulting in dissemination of an investigative lead to an outside agency should be documented on a Fayetteville Police Department incident report titled "*Assisting Other Agency*".

11.24.7 AUDITING, POLICY REVIEWS & MAINTENANCE

The Fayetteville Police department is responsible for ensuring user compliance of the facial recognition databases. The following measures should be conducted by the Chief or his designee.

A. Quarterly, random, sample audits of authorized users to ensure users are documenting required information at the time a search is conducted. Information required may be different for each vendor but should include information such as a number, reason for search, originating detective or officer, unit to which they are assigned, or any other required fields.

B. Annual sample audit completed by December 31 of each calendar year to:

1. Ensure general policy compliance
2. Ensure all investigative steps are followed accordingly
3. Remove users who no longer need access

C. The Crime Information Center shall be responsible for maintaining an audit log sheet for the quarterly audit and annual audit.

D. Annual review of policy and standard operating procedure completed prior to December 31 of each calendar year to ensure they are accurate and current with emerging technology.

E. Noncompliance or intentional misuse of any facial recognition database may result in the suspension of an authorized user's access to all facial recognition databases.

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed

	Fayetteville Police Department **OPERATING PROCEDURE**	**Number** **11.25**
	Subject **CRITICAL INCIDENT RESPONSE THERAPY K-9 PROGRAM**	**Effective Date** 19 December 2025
	Revised NEW	**Page** 1 of 4
	CALEA Standard 41.1.4	

11.25.0 OBJECTIVE

To establish guidelines for the Fayetteville Police Department's Critical Incident Response Therapy K-9 Program ("CIR Therapy K-9 Program"). This program is designed to provide emotional support, stress relief, and community engagement consistent with CALEA standards. The Critical Incident Response Therapy K-9 is not part of the patrol K-9 unit and shall never be trained, utilized, or deployed for patrol duties, apprehension, detection, or any other enforcement function of the patrol K-9 unit.

Therapy K-9s will be utilized to assist employees, victims, witnesses, children, and the community in reducing anxiety and stress, building rapport, and increasing communication in sensitive or traumatic situations. The presence of a Therapy K-9 is also a resource for employee wellness and a tool to strengthen positive relationships between the Fayetteville Police Department ("FPD") and the public.

11.25.1 OVERSIGHT AND CHAIN OF COMMAND

The CIR Therapy K-9 Program falls under the authority of the Specialized Services Bureau Captain and will work alongside the Peer Support Team chain of command. Assignment as a Therapy K-9 handler is an additional/secondary responsibility and is in addition to and does not replace an officer's primary duties.

The patrol K-9 Unit Supervisor and designated patrol K-9 Trainer(s) will be kept informed of program operations, deployments, and canine health. Their role and their corresponding chain of command is advisory only, providing expertise in best practices for K-9 care, kennel standards, veterinary coordination, and training recommendations. Operational deployment and utilization of any Therapy K-9 remain exclusively under the Specialized Services Bureau Captain or his/her designee.

This structure ensures compliance with CALEA standards for the provision of emotional support, stress relief, and community engagement by managing the CIR Therapy K-9 Program outside of the patrol K-9 Unit framework.

11.25.2 DEPLOYMENT PROCEDURES

A Therapy K-9 may be deployed in the following contexts:

a. Critical Incident Stress Management: Immediate response to traumatic incidents affecting officers, staff, or community members.
b. Mental Health Support: Daily availability to provide morale and stress relief to employees.
c. Victim and Witness Interviews: Particularly in cases involving children or vulnerable adults, to reduce anxiety and improve communication.
d. Courtroom/Testimony Support: With court approval, may accompany a child or vulnerable witness during pre-trial preparation or testimony to reduce stress.

e. School Support: During crises, mental health interventions, bereavement counseling, or other appropriate requests from school officials.
f. Community Relations: Participation in outreach events, demonstrations, and educational activities to foster positive police-community engagement.

Deployment requests will be submitted to the Specialized Services Bureau Captain or his/her designee, who will verify handler availability and determine appropriateness. Off-duty or public event requests require prior approval by the Chief of Police or designee.

11.25.3 ENGAGEMENT PROTOCOLS

Only the handler assigned to a particular Therapy K-9 may handle, control, or direct his or her assigned Therapy K-9 at all times. No other FPD personnel shall assume physical control of a Therapy K-9 for any purpose.

During engagements, the Therapy K-9 handler will introduce the K-9 in a calm, controlled manner and assess the comfort of those present. Interaction must remain voluntary and under Therapy K-9 handler supervision. A Therapy K-9 may be petted or engaged only after the Therapy K-9 handler authorizes contact.

The Therapy K-9 handler's role in investigative interviews is limited to managing the Therapy K-9 unless the Therapy K-9 handler is otherwise certified to conduct interviews.

11.25.4 THERAPY K-9 HANDLER QUALIFICATIONS AND TRAINING

Therapy K-9 Handlers must:

a. Be sworn officers in good standing with at least two years of service.
b. Be active and certified members of the Peer Support Team.
c. Be approved by the Specialized Services Bureau Captain, and the Chief of Police or designee.
d. Complete initial certification through a nationally recognized therapy dog organization.
e. Successfully pass the AKC Canine Good Citizen test and maintain it biannually.
f. Undergo annual re-evaluations by a certified evaluator.
g. Attend ongoing workshops or training on stress recognition, deployment documentation, and animal behavior.

Assignment as a Therapy K-9 handler is an additional duty and not a stand-alone position.

11.25.5 K-9 SELECTION AND CERTIFICATION

Candidate Therapy K-9s must:

a. Be between one and four years old at selection.
b. Demonstrate calm, stable temperament and tolerance for various environments, people,
c. and distractions.
d. Pass veterinary screening verifying health, vaccinations, and absence of chronic illness.
e. Successfully complete behavioral and temperament evaluations.
f. Undergo a probationary period of exposure to controlled deployment scenarios.

Certification will be through a nationally recognized therapy dog organization, with documentation retained in the Therapy K-9's permanent file.

11.25.6 CARE AND MAINTENANCE

A Therapy K-9 handler is solely responsible for daily care, including feeding, grooming, exercise, kennel cleanliness, and transport of his or her assigned Therapy K-9. If a Therapy K-9 handler is on leave or incapacitated, the Therapy K-9 may only be maintained (not deployed) by a caregiver pre-approved by the, Specialized Services Bureau Captain, or his/her designee. Relocation will be considered only on a case-by-case basis, prioritizing the well-being of both the Therapy K-9 and the Therapy K-9 handler. The Therapy K-9 handler's input shall be considered by the Specialized Services Bureau Captain in any relocation decision if possible. Should a Therapy K-9 be relocated during the period of leave or incapacity of its respective Therapy K-9 handler, the Therapy K-9 shall not be deployed in any capacity unless the individual with whom the Therapy K-9 has been relocated holds the required certifications detailed herein below regarding Therapy K-9 Handler Qualifications.

Routine veterinary care of a Therapy K-9 shall be provided by the Animal Hospital of Fayetteville, and emergency or after-hours care shall be provided by Points East Veterinary Specialty Hospital. The patrol K-9 Unit Supervisor and patrol K-9 Trainer may provide advisory input on care, housing, and wellness standards, but responsibility for maintenance remains with the Therapy K-9 handler and Specialized Service Bureau Captain.

11.25.7 EQUIPMENT AND VEHICLE USE

Each Therapy K-9 will be issued:

a. A collar, lead, and appropriate grooming supplies.
b. Food and water bowls, toys, and comfort items.
c. Secure kennels for both home and office use.

Transport will be in a vehicle equipped with a heat alarm and proper ventilation. If a dedicated K-9 vehicle is not available, the Therapy K-9 must be transported in a crash-tested kennel secured in the back seat of an FPD vehicle. Kennels and vehicles will be subject to periodic inspection by the Specialized Services Bureau Captain or his/her designee, with advisory assistance from the patrol K-9 Unit Supervisor.

11.25.8 INCIDENT REPORTING

If a Therapy K-9 related injury, bite, or property damage occurs, the Therapy K-9 handler shall:

a. Secure the Therapy K-9 before rendering aid.
b. Immediately notify the on-duty Watch Commander and Specialized Services Bureau Captain, or their designee, and the patrol K-9 Unit Supervisor.
c. Complete an incident report, including photographs and documentation.
d. Submit Risk Management paperwork if required.

A Quality Review will be conducted following any reportable incident.

11.25.9 RETIREMENT AND DEATH

When a Therapy K-9 can no longer perform its duties, the Therapy K-9 handler shall submit a memorandum with veterinary recommendations to the Specialized Services Bureau Captain or his/her designee. Upon approval, the Therapy K-9 handler will be offered the right of first refusal to adopt the retired canine.

In the event of a Therapy K-9's death, the Therapy K-9 handler shall immediately notify the Specialized Services Bureau Captain or his/her designee and the patrol K-9 Unit Supervisor. The patrol K-9 Unit Supervisor and patrol K-9 Trainer shall respond to assess the circumstances surrounding the death. If necessary, a Quality Review will be conducted.

11.25.10 RECORDS

All deployment, training, care, and veterinary records shall be maintained by the assigned Therapy K-9 handler and must be made available at any time for inspection, review, or audit. The Specialized Services Bureau Captain or his/her designee is responsible for ensuring completeness and compliance with CALEA standards related to all deployment, training, care, and veterinary records.

11.25.11 SEPARATION OF A THERAPY DOG TEAM MEMBER

Therapy K-9(s) are the property of the Fayetteville Police Department. As a voluntary collateral program, the Therapy K-9 handler serves at the pleasure of the Police Chief and may be removed from the assignment at any time.

If the assigned handler separates from employment with the Fayetteville Police Department during the service life of the Therapy K-9, the dog will be reassigned to an appropriate employee based upon the established selection process.

All equipment purchased through department funds will be returned to the Specialized Services Bureau Captain.

By Order Of: Roberto E. Bryan Jr., Chief of Police
Digitally Signed