GENERAL ORDERS MANUAL

FOREWORD TO THE GENERAL ORDERS MANUAL

The general policies and philosophies of the Durham Police Department are embodied in the General Orders, Rules and Regulations contained in this manual. This manual is issued with the expectation that each member of the Department will read and apply the contents in the conduct of his/her position and duty. Unless a rule specifies "officer" or "sworn member", that rule applies to all members of the Department, sworn and non-sworn. Members of the Durham Police Department shall adhere to the information in this manual and to the Code of Ethics contained herein.

All policies, procedures, rules and regulations, whether issued by myself, or a previous Chief of Police, are to be considered current and in effect.

The right to modify or rescind policies and procedures to include any of the provisions of the General Orders or the Rules and Regulations is reserved by the Chief of Police.

Cerelyn J. Davis
Chief of Police
June 6, 2016

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SERIES 1000 – ORGANIZATION/ADMINISTRATION

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	NUMBER: **1001 R-9**

DEPARTMENT ORGANIZATION

Effective Date: 12/15/1995 Revision Dates: R-1 03/01/1996; R-2 04/15/2001; R-3 07/25/2003; R-4 04/28/2004; R-5 03/07/2007; R-6 09/06/2012; R-7 01/06/2015; R-8 10/12/2015; **R-9 01/23/2017**

INTRODUCTION

The Durham Police Department's mission is to minimize crime, promote safety and enhance the quality of life in partnership with our community. The structure and organization of the Department has been developed to service this mission. This general order delineates organization responsibilities and the corresponding command structure in order to maintain control and accountability. A graphical organization chart is made available to all employees.

PERSONNEL

Command Staff – The Command Staff shall consist of all sworn police officers that are the rank of Captain or above and non-sworn mangers in equivalent pay bands.

Executive Command Staff – The Executive Command Staff shall consist of the Chief of Police, all Deputy Chiefs and Assistant Chiefs.

Line Supervisors – Sergeants and non-sworn equivalents serving as the first supervisor in a member's chain of command.

Police Attorney – An attorney from the City Attorney's Office assigned to provide legal assistance, training and council to the Police Department.

CONTINUITY OF ORGANIZATION

The Department may re-organize from time to time in an effort to deliver law enforcement services in a more efficient manner. The Department may also change the name or rank designation given to job titles, units, divisions, and bureaus, as responsibilities and priorities change.
Where any change in naming or in organization occurs, any policy documents, such as General Orders or Standard Operating Procedures, shall be construed as applying to the affected unit(s) or employee(s) performing the same function in the same manner as before the re-organization or name change.

ORGANIZATIONAL STRUCTURE

To effectively provide law enforcement services to the community, the Durham Police Department functions shall fall under three functional sections:

- Office of the Chief of Police – supervised by the Chief of Police.
- Field Operations – supervised by a Deputy Chief.
- Investigative & Administrative Services – supervised by a Deputy Chief.

Not including the Office of the Chief of Police, these sections are comprised of bureaus, supervised by an Assistant Chief. Each bureau is comprised of divisions or districts, supervised by a Captain or a non-sworn equivalent to a Captain. Some, but not all, of the divisions are comprised of multiple units or squads that are supervised by line supervisors. Refer to G.O. 1007 *Command Authority & Responsibility* for specific policies regarding the Chain of Command.

OFFICE OF THE CHIEF OF POLICE

The Office of the Chief of Police is comprised of the Professional Standards Division, the Executive Officer to the Chief of Police and the Public Affairs Unit.

PROFESSIONAL STANDARDS DIVISION

The Professional Standards Division is responsible for the general oversight, compliance and accountability of Department members. It consists of:

- Internal Affairs Unit – responsible for investigating citizen complaints, conduct issues and administrative rule and law violations alleged against personnel, and reports the results of such investigations to the Chief of Police.

- Staff Inspection Office – responsible for providing information on Departmental efficiency and effectiveness and conducting on-going inspections and audits of Departmental functions.

- Accreditation Office – responsible for maintaining the department's law enforcement accreditation program and coordinating the development and maintenance of Department general orders and standard operating procedures.

EXECUTIVE OFFICER TO THE CHIEF OF POLICE

The Executive Officer to the Chief of Police serves as the personal representative of the Chief for community concerns and business contacts.

PUBLIC AFFAIRS UNIT

The Public Affairs Unit is responsible for gathering, developing and presenting information about the programs, services, policies and activities of the Durham Police Department and coordinating the release of information to print, radio, television and social media about departmental activities, investigations and unusual occurrences. The Public Affairs Unit also provides marketing, technical and logistical support for special events and participates in community education outreach initiatives.
An officer is assigned to the Public Affairs Unit to serve as the Department's CrimeStoppers Coordinator. This position is responsible for obtaining information pertaining to unsolved crimes and wanted fugitives through publicity in mass media, coordinating reward incentives and channeling information from anonymous or confidential sources to investigators assigned to the case.

FIELD OPERATIONS

The Field Operations section is comprised of the Patrol Services Bureau and the Support Services Bureau.

PATROL SERVICES BUREAU

The Patrol Services Bureau is responsible for providing uniform patrol and investigative services in designated geographical areas throughout the city. Patrol Services provides continuous, twenty-four hour services. The Patrol Services Bureau is divided into four geographic regions known as Districts. Each district is considered its own Division managed by a Captain and is comprised of:

- Four Uniform Patrol Squads – responsible for the response to calls from citizens, enforcement of both criminal and traffic laws and conducting preliminary investigations into complaints of criminal activity. Uniform Patrol responds to calls for service and patrol within assigned geographic areas, each one referred to as a beat.

- One District Investigations Unit – responsible for conducting follow-up investigations for property crimes and crimes against persons within the District and not assigned to the Criminal Investigations Division.

SUPPORT SERVICES BUREAU

The Support Services Bureau consists of divisions and units that focus on specific functions to effectively accomplish the mission on the Department. It is comprised of the following:

SPECIAL SERVICES DIVISION

The Special Services Division is responsible for supporting the activities of the Patrol Services Bureau through units that focus on specific tasks. It is comprised of the following:

- Bicycle Unit – responsible for high visibility patrol in densely populated areas and areas that are not easily accessed by tradition patrol vehicles and assisting Uniform Patrol by responding to calls for service in the Downtown area. The unit also provides security at City Hall during regular business hours and for evening meetings.

- Canine Unit – utilizes specially trained police dogs to search for contraband, track persons, search building and find articles (e.g. guns or clothing). The unit also participates in demonstrations and community education programs about the unit.

- Traffic and Crash Team – concentrates enforcement efforts on traffic offenders in order to reduce roadway collisions, conducts investigations of motor vehicle collisions resulting in serious personal injury or fatality and engages in traffic related operations such as the organization of checking stations and area specific speed enforcement.

- Motorcycle Unit – provides escort services for funerals and dignitary processions, conducts traffic law enforcement throughout the city and participates in demonstrations and community education programs about the unit.

- Central Investigations – responsible for conducting follow-up investigations for property crimes and crimes against persons within the downtown area and not assigned to the Criminal Investigations Division.

COMMUNITY SERVICES DIVISION

The Community Services Division is focused on providing police services to specific neighborhoods, businesses or constituency populations. It is comprised of:

- Community Resource Unit – develops and supports Neighborhood Watch programs, carries out security inspections for business and residences upon request and conducts education programs. Specified members of the unit may be designated as liaisons to communities designated by the Chief of Police. A unit member will be assigned to manage the Mobile Police Substation to ensure both the equipment and available personnel remain operationally ready to staff a vehicle that serves as a command post at major crime scenes and community events. Unit members also work with District Partners Against Crime (PAC) organizations to address concerns and participate in the following:
    - Citizen's Police Academy – an education program offered to community members that provides a basic and broad overview of the law enforcement services provided by the Department.
    - Police Athletic League – coordinates volunteer Department members in delivering athletic and mentoring programs for Durham youth.
- Gang Resistance Education and Training Unit – delivers a school-based, law enforcement officer-instructed, classroom curriculum with the primary objective to educate students about decision making to prevent future participation in criminal activity. Unit members also work with public school officials to provide mentoring services to students.
- Community Engagement Unit – provide law enforcement presence and support to public housing communities in order to build relationships with public housing residents.
- Crisis Intervention Team – focuses on both initial and follow-up responses to situations involving the mentally ill and developmentally limited individuals and their families. Provides supervision and support for:
    - Victim Services Unit – advocates who provide support and services to victims of violent crime and other serious felonies. Unit members may assist department investigators with their investigations and engage in outreach programs.
    - Project Safe Neighborhood – program that focuses on reducing gun violence through firearms tracking, data analysis and engaging community members in response to violent acts.

SPECIAL PROJECTS & LOGISTICS DIVISION

The Special Projects & Logistics Division manages specific, key functions of the department. It is comprised of the following:

- Two Slide Patrol Squads – provides support activities to Uniform Patrol to improve the timely response to calls for service. Support activities may include, but are not limited to, providing relief staffing at crime scenes, responding to calls for service when Uniform Patrol does not have sufficient staffing and assisting with both preliminary and follow-up investigative activities.
- Watch Commanders – each of the four squads has a designated Watch Commander (Lieutenant). This position is responsible for the direct supervision of field operations for their assigned squad, acting as the initial Incident Commander for unusual occurrences and serving as a point of contact for media requests. In the absence of an assigned Watch Commander, an on-duty Uniform Patrol Sergeant will be designated as the acting Watch Commander. The Watch Commander directly supervises:

- Desk Unit – each of the four squads has an officer assigned to the front desk at headquarters. This position is responsible for the security and control of the front entrance and lobby area, answering non-emergency telephone calls, providing information, making referrals to appropriate Department services and assisting the public with obtaining non-emergent law enforcement services.

- Court Liaison – facilitates the scheduling of court dates and subpoena service to members of the Department for criminal cases, attends or monitors court proceedings in lieu of officer's presence when appropriate and work to optimize relationships between the court system and the Department.

  - Secondary Employment – serves as the primary point of contact for community groups and businesses requesting police to work a specific job. Manages the secondary employment system and accountability of officers engaged in secondary employment.

  - Towing & Licensing – handles all towing related activities for the Department, specifically complaints and concerns of citizens directed at various towing companies and concerns of those companies regarding compliance with all applicable rules, regulations and ordinances. Also coordinates the alcohol licensing responsibilities of the Department and processes precious metal permits.

- Special Event Services – serves as the primary point of contact for the Department for organizations, businesses and community members requesting permits required for special events. Coordinates the application and approval process for special event permits and maintains records of permits.

- Fleet Unit – responsible for maintaining the Department vehicle fleet to include identifying equipment and replacement needs, recommending vehicle purchases, coordinating vehicle assignments and installing radios and emergency equipment.

- Supply Unit – responsible for the receipt, storage and distribution of uniforms, equipment and supplies.

- Reserve Officer Program – consists of volunteer, state certified polices officers who supplement Department functions and activities to include assisting with patrol staffing, working special events and participating in various Department programs and activities.

ANALYTICAL SERVICES DIVISION

The Analytical Services Division is responsible for analyzing, processing and storing law enforcement information and records. It is comprised of:

- Crime Analysis Unit – researches and analyzes incident and crime data, maintains statistical databases of police calls for service, crime, and other calls for services and prepares informational reports to assist District Commanders with deploying resources.

- Criminal Intelligence Unit – gathers, organizes and distributes information on the identity, activities and movement of known criminals, to include officer safety threats. This unit is also responsible for the acquisition, processing and dissemination of intelligence information and the maintenance of intelligence records and files.

- Records Management Unit – maintains the central police report records management system. It is comprised of:

- Records Section – serves as the custodian for all official agency police reports and records, receives, codes, processes and enters records, and provides official copies of reports to members of the public. Telephone Response employees handle calls for police services, either by telephone or in person, that do not require the dispatch of a patrol unit.

- Division of Criminal Information/Warrant Control – utilizes local, state and federal criminal justice databases to provide information, exchanges information from Department databases with other State and Federal agencies through the State Bureau of Investigation's Division of Criminal Information computer network.

INVESTIGATIVE & ADMINISTRATIVE SERVICES

The Investigative & Administrative Services section is comprised of the Administrative Services Bureau and the Investigative Services Bureau.

INVESTIGATIVE SERVICES BUREAU

The Investigative Services Bureau is responsible for supporting and managing complex and serious criminal investigations. It is comprised of the following:

ORGANIZED CRIME DIVISION

The Organized Crime Division provides specialized investigative and enforcement services and tactical response teams. It is comprised of the following:

- Vice/Narcotics Unit – responsible for both short and long term specialized and general investigations involving narcotics and organized criminal enterprises within the City of Durham. These investigations are intended to address unlawful activity by both organized and non-organized groups and/or associations engaged in supplying illegal goods and services.

- Major Crimes Unit – responsible for participating in task forces with other law enforcement agencies and providing specialized skills in the investigation of cases that may involve violations of federal law.

- Selective Enforcement Team – a unit of trained and specially equipped tactical officers who respond to situations that are unusually dangerous and may require the use of special tactics and weaponry such as hostage situations, warrant services and active threats of violence.

    - Biological and Chemical Emergency Response Team – comprised of specially trained officers who respond to incidents involving hazardous materials, bomb threats and weapons of mass destruction.

- Gang Intelligence Unit – responsible for identifying and maintaining intelligence on gang members who live in or frequent the City of Durham and their activities.

CRIMINAL INVESTIGATIONS DIVISION

The Criminal Investigations Division provides criminal investigative services for cases requiring either extensive follow-up or the investigation is complicated in nature. All units within this division will, whenever possible, work with appropriate law enforcement and community resources to provided appropriate victim

services. Upon request they will also work with Department members and community resources to provide training and educational resources. It is comprised of the following:

- Homicide Unit – investigates suspicious deaths, including homicides and apparent suicides, officer involved shootings and adult missing persons.

- Domestic Violence Unit – investigates intimate partner domestic violence cases.

- Special Victims Unit – investigates crimes of child abuse and neglect (where the child is under 16 years of age), as well as non-domestic sexual assaults.

- Financial Crime Unit – investigates crimes involving financial fraud and identity theft.

- Violent Crime Unit – investigates non-domestic gun-related aggravated assaults and armed robberies.

FORENSIC SERVICES DIVISION

The Forensic Services Division is responsible for collecting and maintaining the integrity of property and evidence collected from crime scenes. It is comprised of the following units:

- Crime Scene Unit – responsible for the proper collection, preservation and documentation of evidence in conjunction with investigative and other law enforcement activities.

- Crime Lab Unit – responsible for conducting and/or coordinating laboratory tests of evidence in accordance with applicable laws and accreditation standards.

- Property & Evidence Unit – functions as a restricted –access central repository for evidence seized or collected by Department personnel, recovered or stolen property and found property. This unit maintains secure custody of received items until such time as the items may be disposed of in accordance with Federal and State laws and Department policy.

ADMINISTRATIVE SERVICES BUREAU

The Administrative Services Bureau is responsible for providing the Department with administrative support functions that enable all areas of the Department to accomplish the mission of the Department. It is comprised of the following:

TRAINING DIVISION

The Training Division is responsible for overall training function of the Department. It is comprised of:

- Training Unit – coordinates the delivery and documentation of mandatory in-service training and State recertification for sworn members; coordinates Department required training for all employees; manages the Department's firearms program and range operations; coordinates mobile field force training and activities; and manages the Police Training Officer program for recent academy graduates. Provides comprehensive training to police recruits and lateral transfers in accordance with State-mandated guidelines through the administration of the State Law Enforcement Training programs.

- Recruiting Unit – responsible identifying and implementing effective strategies for the recruitment of sworn personnel; managing the sworn hiring process to include applicant testing, evaluation and recommendations for hire and conducting pre-employment background checks on all selected sworn and non-sworn candidates.

EMPLOYEE SERVICES DIVISION

The Employee Services Division maintains a liaison with the City Human Resources Department and provides a variety of personnel-related functions to include payroll management, performance appraisal system, supporting all hiring processes, coordinating non-sworn new hire onboarding and providing Department employees with personnel related information.

PLANNING & RESEARCH DIVISION

The Planning & Research Division is responsible for the coordination of long-range strategic planning; management of Department facilities; handling major projects, procurements and programs.

FISCAL SERVICES DIVISION

The Fiscal Services Division is responsible for the overall fiscal activities of the Department. It is comprised of:

- General Fund Unit – maintains liaison with the City's Budget Office, Accounting and Purchasing Divisions, oversees the preparation of the Department's annual budget request, monitors budget accounts and protects and requisitions supplies and services required by the Department.

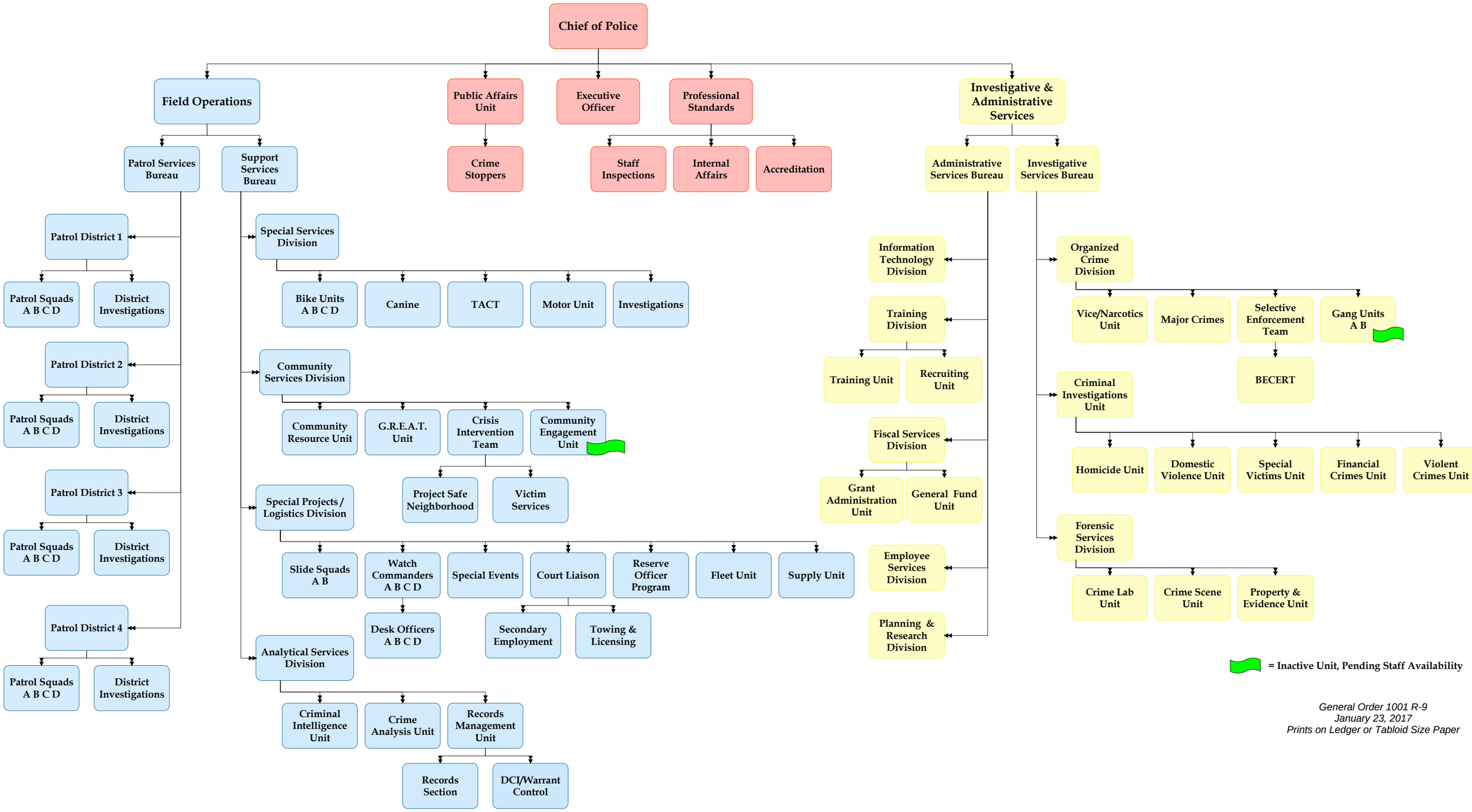
- Grant Administration Unit – prepares, administers and monitors Department grants.

INFORMATION TECHNOLOGY DIVISION

The Information Technology Division is responsible for the overall computer and digital data function of the Department. Responsibilities include: providing computer support; acting as liaisons with various City; County and State entities for computer related functions; supporting various software packages and services utilized by members; coordinating the Department's telephone system; maintaining Department servers and storage of digital data; and managing special technology related projects.

Cerelyn J. Davis
Chief of Police

Durham Police Department Organizational Chart 2017



General Order 1001 R-9
January 23, 2017
Prints on Ledger or Tabloid Size Paper

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1002 R-6**

WRITTEN DIRECTIVES SYSTEM

Effective Date: 12/15/1995	Revision Dates: R-1 01/06/2003;R-2 07/25/2003; R-3 04/28/2004; R-4 02/01/2006; R-5 02/18/2015; **R-6 11/09/2015**

INTRODUCTION

In order to provide Department employees with an understanding of the functions, policies, expectations and limitations of the Durham Police Department and its members a written directive system has been established. Directives established by the Department may be published in the form of General Orders, Standard Operating Procedures, training material, or memoranda. Rules of conduct are covered in the Department's Rules and Regulations which is a section of the General Orders Manual. The Chief of Police has the authority to approve the issuance or modification of Department written directives.

DEFINITIONS

Directive - any written document used to guide or affect the performance or conduct of Department personnel.

General Order (GO) - a written directive issued by the Chief of Police prescribing general policy, responsibilities, procedures, and methods related to departmental operations.

Standard Operating Procedure (SOP) - a written directive which is a guideline for performing Departmental activities in particular organizational areas and is a means of achieving uniformity in the correct performance of tasks.

Training Material - any media used to provide instruction or periodic guidance on procedural or legal issues.

Memorandum – a communication from a manager or supervisor to members under their direct area of responsibility to issue instructions, or to direct the actions of subordinates in specific situations or circumstances. A memorandum may also be used as a temporary directive issued by the Chief of Police that overrides a previously distributed written directive or establishes a previously unaddressed policy. It is a means of quickly advising members of new or revised policy or procedure and is in force until expiration or until a written directive is processed and distributed.

Power DMS – a document, training and accreditation management software system used to disseminate and archive written directives.

WRITTEN DIRECTIVE ORDER OF PRECEDENCE

Members of the Department are required to obey all of the below listed written directives and laws. In case of a conflict between two written directives, the following order of precedence shall be adhered to:

- The United States Constitution
- The North Carolina Constitution
- United States statutory and common law
- North Carolina statutory law, common law, and Administrative Code
- City and County of Durham ordinances
- City of Durham policies
- Memoranda that modifies a General Order
- General Order/Rules & Regulations
- Standard Operating Procedure
- Memoranda
- Training Material

A lower level directive cannot contradict or supersede a higher level directive. For example, an SOP cannot contradict a Department GO.

ISSUANCE AND DISTRIBUTION OF DIRECTIVES

Any member may issue directives applicable to members under their supervision or command via memoranda. Directives applicable to more than one work unit may be issued only by the appropriate Bureau Chief. The Accreditation Manager is responsible for maintenance of the Department's General Orders and Standard Operating Procedures manuals. The Training Division is responsible for the maintenance of training materials.

Written directives, with the exception of some training materials and memoranda, will be stored in electronic format. Employees responsible for the maintenance and storage of directives may choose to maintain a paper storage system, at their discretion. The Accreditation Manager shall make an electronic copy of the GOs and SOP's available on Power DMS. Members may download documents published on Power DMS. Upon request, the Accreditation Manager shall provide a copy of these directives to any Department member.

New, full-time employees will be given a login and information for accessing Power DMS and are responsible for reviewing all assigned GOs and SOPs as part of their orientation and training. New part-time employees and newly hired academy recruits may not be given access to Power DMS. Any employee who does not have access to Power DMS will be provided with a digital copy of the policy manual and will be required to sign a General Orders Acknowledgement Signature Sheet (attachment 1), advising that they have access to the Department's policies and procedures and accept their responsibility to review, understand and abide by written directives. Newly hired police officers will review the GOs and SOPs as directed during their training, but are expected to have reviewed all GOs and the Uniform Patrol SOP manual prior to their promotion from recruit officer to police officer.

New or revised GOs are made available to employees via Power DMS or by other electronic means. For Power DMS users, a system notification email will be sent electronically directing employees to address items in their inbox. Each member must acknowledge that they reviewed the policies published via Power DMS.

Upon notification of pending items in their Power DMS inbox employees are required to log into the system to acknowledge the review and receipt of new and revised policies by the due date posted in the system. Supervisors are responsible for periodically reviewing the inbox status of their direct reports and for ensuring that overdue items are addressed.

Changes to Department practices and functions reflected in SOP manuals will be updated in accordance with this GO and posted on Power DMS. Each member must acknowledge, by authorized electronic means, receipt of applicable SOPs and subsequent revisions.

At the discretion of the Executive Command Staff, members may only be required to acknowledge those policies and procedures that are relevant to their classification. Members are permitted to download documents from Power DMS in order to maintain their own backup system. Printed copies should be kept to a minimum. Non-department personnel requesting policies should be referred to the Accreditation Manager or the Department's public website.

Anyone may issue a directive memorandum applicable to their particular areas of responsibility within the descending chain of command. Memoranda to another organizational entity shall be routed through the Commander for that entity. Memoranda that affect all department personnel shall be issued under the signature of the Chief of Police.

GENERAL ORDER NUMBERING

Each GO will be given a concise title and a unique number containing the series designation and the specific number of the subject within that series. An example of a series/subject number is 1002, where "Written Directives System" is a subject within the series "Organization/ Administration".

Series Number	Series Title
1000	Organization/Administration
2000	Personnel Management
3000	Uniforms and Equipment
4000	Operations

Revisions to General Orders will be indexed as R-1, R-2, etc., in numerical succession.

INITIATION AND/OR REVISION OF GENERAL ORDERS

The Accreditation Manager is responsible for ensuring that the GOs address the current practices of the Department and meet necessary accreditation standards. Any member who finds that a GO is in need of modification or a new GO needs to be created, is responsible for notifying the Accreditation Manager.

GOs may be revised or created for any of the following reasons:

- **Changes Made to Accreditation Standards**

  The Accreditation Manager is responsible for reviewing all new and revised accreditation standards and incorporating those changes within the time frame allowed by the accrediting body. Once the new/revised standard is released, the Accreditation Manager will review existing policies to determine the level of compliance the Department currently has and determine if any modification is needed. The Accreditation Manager works with the appropriate personnel to bring the policy into compliance with the new/revised standards.

- **Changes Made to Laws**

  The Police Attorney for the Department is responsible for notifying the Accreditation Manager of any changes made to laws/ordinance or any court decisions that may affect Department policy. The Accreditation Manager will work with the Attorney to bring the policy into compliance with current legal standards.

- **Changes Made to Operational or Administrative Practices**

As operational or administrative practices change, the members responsible for initiating the change should review the relevant policies and notify the Accreditation Manager if modifications or new policies are needed. The Accreditation Manager will work with the relevant members to ensure that the policy needs of the new or modified practices are met.

GENERAL ORDER REVIEW PROCESS

Initiation or revision of a GO shall be conducted according to the following process:

Identification and Notification

When the Accreditation Manager is informed or becomes aware that a policy initiation or revision is needed, they will be responsible for identifying all of the relevant policies impacted by the change. For existing policies, the Accreditation Manager will conduct topic specific research to include the identification of any other written directives that may apply to the topic and make preliminary changes to the policy. If a new policy is needed and a rough draft has not been forwarded, the Accreditation Manager will initiate a rough draft. If a change in language or practice affects multiple policies then all applicable policies should, whenever possible, be updated at the same time.

Content Review

The Accreditation Manager will identify the personnel who have the information and background necessary to provide accurate feedback on the draft. The draft will be forwarded to the identified personnel for review, comment and correction. The Accreditation Manager is responsible for ensuring that policy language does not contradict directives of higher precedence. Some changes to policies or changes initiated by the Executive Command Staff (ECS) may not require an initial content review. If that is the case, the draft may be forwarded to ECS for review.

Executive Command Staff Review

When a draft is ready, the Accreditation Manager will forward the draft to the Executive Command Staff and the Police Attorney for review. Depending on the extent of the changes, the ECS or Accreditation Manager may initiate a policy review meeting for discussion. The content of the policy will be reviewed and recommendations will be made, which may include additional content reviews by identified individuals or finalizing the draft. Once the Accreditation Manager has addressed the changes as directed by the ECS, a final version will be completed. The ECS may request a review of the final draft at their discretion.

Chief's Signature

The Accreditation Manager will submit the final policy draft to the Chief of Police for review and signature.

Publication

The Accreditation Manager will upload the new or revised policy into Power DMS.

When supervisors review the policy changes, they may at their discretion, conduct a policy review as part of roll call training or unit meeting. This training does not negate the need for employees to complete the electronic acknowledgement in Power DMS.

POLICY MEMORANDA

The Chief of Police or his/her designee may issue a policy memorandum without a proposal and review process in the following cases:

- a written directive is found to be non-existent, obsolete, inaccurate or otherwise significantly deficient, and the Chief of Police determines there is an urgent need to convey a directive to the department
- a temporary override of a General Order is necessary, but a permanent revision is not.

In such cases, a draft memo will be prepared, may be reviewed by the Police Attorney if needed and presented immediately for signature. The memo will be distributed electronically to relevant members as quickly as possible. If a permanent revision or new GO or SOP is necessary on the subject, the process for initiating or revising a GO or SOP will then follow.

PERIODIC REVIEW OF THE GENERAL ORDERS

The General Orders Manual will be reviewed on an ongoing basis. Policies used for accreditation will be reviewed at least once during the accreditation cycle, as prompted by the Accreditation Manager, by members responsible for its implementation. In the event a GO becomes obsolete, it will be rescinded by the same process as a revision. At the discretion of the Chief of Police, a revision committee may be appointed to conduct a mass review of the entire General Orders manual.

DEVELOPING AND PUBLISHING SOPS

Standard Operating Procedures Manuals will contain:

- A description of the unit to include the organizational structure, the function of the unit and the duties and responsibilities of positions within the unit.
- Administrative procedures for the unit to include schedules, administrative reports and personnel management.
- Operational procedures specific to that unit
- Identification of written directives that are related to individual SOPs.

Division Commanders and Bureau Commanders will maintain a current manual for each unit under their command. Depending on the size of and function of the unit, multiple manuals may be necessary for a given division.

SOPs will be composed on approved templates which are available from the Accreditation Manager. The Accreditation Manager will be responsible for reviewing all manuals for compliance with departmental policy, format, and accreditation standards.

On an as needed basis, the Accreditation Manager may initiate a review of a manual for accuracy. This will be done in collaboration with the Division Commander and any designated members. The review should address changes in state and federal law, accreditation standards, departmental policy and assigned responsibilities. Division Commanders may also initiate a review of a manual at their discretion.

New and revised SOP’s must be submitted through the chain-of-command to the Division Commander, who will initiate the same review/ publication process used for General Orders.

MEMORANDA AND TRAINING MATERIAL

Prior to completing one of these directives, members shall determine if the topic affects a current General Order(s). If so, and the memo/material requires a directive change members shall follow the procedure for modifying the appropriate policy or draft a memorandum for issuance by the Chief of Police. At no time shall a memorandum be issued which alters or contradicts an existing GO or SOP unless it is sent by or at the direction of the Chief of Police.

Each person issuing a memorandum will be responsible for maintaining their own file.

PURGING AND ARCHIVING DIRECTIVES

The process of purging and archiving will be as follows:

- Outdated General Orders will be kept on file by the Accreditation Manager, and archived in PowerDMS. The original signed copies will be stored by the Accreditation Manager.
- Division Commanders are responsible for purging outdated policies from any hard copy versions they choose to maintain.
- The Accreditation Manager will maintain a master file of the current GOs for the Department and the SOPs most recently submitted by each Division. In the event of any question about which version of these directives is to be followed, the version contained within these files shall be official**.**

CONTINUITY OF WRITTEN DIRECTIVES

Any reference to a written directive shall be considered to refer to the current version of the written directive unless stated otherwise. (For example, if a General Order refers to GO 1002 or GO 1002 R-1, it will refer to the current version of GO 1002, regardless of the actual numerical version designation of that General Order.)

A written directive that is authorized by the Chief of Police or another authorizing person shall be in full force and effect regardless of the authorizing person's current status within the Department. For example, even if the authorizing person no longer holds the same position or leaves the Department, the written directives that he/she authorized will still be valid, unless and until they are superseded by new written directives issued by a currently authorized person.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1003 R-2**

DEFINITION OF TERMS

Effective Date: 12/15/1995	Revision Dates: R-1 01/10/2005; **R-2 04/24/2017**

INTRODUCTION

The purpose of this General Order is to provide a common set of definitions or usages to which the language of all departmental directives shall conform unless a different definition is provided in a specific directive. Additional terms and definitions may be addressed in other directives.

DEFINITIONS AND TERMINOLOGY

Beat - An area within a district assigned to officers for patrol purposes.

Bureau Commander - A superior ranking officer (Assistant Chief) assigned to exercise authority over one or more organizational divisions of the Department.

Chain of Command - The line of authority extending from the Chief of Police through a single subordinate at each level of command.

District - A geographic section within the City limits containing police beats.

District/Division Commander - A Captain or non-sworn employee assigned to exercise authority over one or more organizational units of the Department.

Eligibility List - A list of candidates meeting the qualifications for promotion as outlined in General Orders or for movement to another division or unit as determined by a selection process.

Employee - When used alone shall mean either a sworn or a civilian employee of the Department. This term is interchangeable with "member."

Employee Performance Appraisal - A supervisor's evaluation of a subordinate employee's ability to perform the various tasks assigned to him/her per his/her performance standards.

General Order - A written policy and procedures affecting more than one organizational component.

Marked Car - A police vehicle with discernible police decals, lights or sirens.

Member - When used alone shall mean either a sworn or non-sworn employee of the Department. This term is interchangeable with "employee". It also applies to volunteer employees in the Reserves Program and Citizens on Patrol where policies apply to the functions of those units.

Non-Sworn Employee - A full time department employee who is not certified as a law enforcement officer by the North Carolina Education and Training Standards Commission. Non-sworn employees may also be referred to as "civilian employees".

Off Duty - The status of members who are not performing compensable work for the City.

Officer - An employee or reserve officer certified as a law enforcement officer by the North Carolina Education and Training Standards Commission.

Department Identification - Written identification issued by the Department that contains the police department employee's name and photograph. Can be used interchangeably with "Official Identification".

On Duty - The status of a member who is performing compensable work for the City.

Order - A written or oral instruction or directive issued by a supervisor to a subordinate.

Out of Service - The status of a member who is not available for service calls.

PAC - Partners Against Crime

Plainclothes Officer - Generally refers to an officer who is not wearing a uniform while on duty.

Procedure - A method of carrying out a specific function.

Promotion - The movement of a current City employee to a position with more responsibility and a higher pay range than the position currently occupied.

Promotional List - See Eligibility List.

Rank - A member's position classification within the City position classification system and the department chain of command.

Resignation - A voluntary separation of employment from the City.

Retirement - Employees who have met eligibility requirements and who are receiving a monthly benefit from the Local Governmental Employees' Retirement System.

Selection Process – A system established to determine eligibility and qualifications of candidates interested in a specific position.

Shift - The hours during which a member is expected to be present for duty.

Standard Operating Procedures (SOPs) – Written policies and procedures that are generally unit specific.

Substation –Facilities used for patrol district operations located in various sections of the City other than Police Headquarters.

Supervisor - Any member having supervisory responsibilities over other employees or job functions.

Sworn Employee – A full time department employee certified as a law enforcement officer by the North Carolina Education and Training Standards Commission.

Telecommunicator – A non-sworn employee employed by the Emergency Communications Center.

Temporary Assignment - Any assignment, re-assignment or detachment from one's regular assignment. Such assignments are administrative and do not create a vacancy in the member's regularly scheduled assigned unit since no transfer has occurred.

Tour of Duty - See Shift.

Transfer - The lateral movement of a current City employee to another work unit in the same position classification or in another position classification in the same salary range.

Transitional Duty – Assignments that generally are temporary or short-term and do not necessarily require the full knowledge, skills, or abilities normally associated with police assignments.

Uniformed Officer - An officer wearing a department issued police officer's uniform.

Unmarked Car - A police vehicle with no readily discernible police decals, lights or sirens.

Cerelyn J. Davis
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1004 R-2**

DEPARTMENT GOALS & OBJECTIVES

Effective Date: 12/15/1995	Revision Dates: R-1 07/25/2003, **R-2 04/20/2015**

INTRODUCTION

The attainment of the goals and objectives for the Department must be readily measurable and identifiable. The development of goals and objectives serves three broad purposes. First, officers are given direction and unity of performance and can see that other efforts have direct relationship in accomplishing the specific goals and objectives of the Department. Second, each division and unit can establish measurable sub-objectives which contribute to the accomplishments of the Department. Third, members of the public are provided with a way to measure the performance of the Department.

DEPARTMENTAL GOALS

The Department's overall goals form the basis for the goals and objectives of the various bureaus and divisions within the Department. These goals and objectives are intended to be reviewed and refined on an annual basis in the form of a work plan and when needed, subject to ongoing development using input from persons at all levels of the Department. Each year's overall Department goals will be published as an attachment to this General Order and shall distributed to all personnel in the same manner as all other General Orders.

STRATEGIC PLAN

In cooperation with the City, the Department will engage in a strategic planning process to identify specific needs the department. The plan will be created by the department's Planning Unit and the Executive Command Staff. It will lay out specific projects to be researched and or completed over the life of the plan and tie into specific needs and goals in the plan. The Planning Unit is responsible for tracking and reporting on the progress of the strategic plan.

ANNUAL PLANNING

The following procedures will be used during the annual preparation and distribution of the Department's statement of goals:

- The Executive Command Staff will formulate and distribute a current and comprehensive work plan to all personnel annually. The Department's work plan will be informed by both the Strategic Plan and the goals established for the overall management of the City for that year. The timing of this distribution should coincide with the budget cycle.

- Subsequent to formulation of the Department's goals and objectives, each bureau, division, and unit shall formulate work plans for their respective units. Individual plans within a unit may be necessary depending on the budget line of the individual function.
- Each person responsible for the formulation of a work plan should, when appropriate solicit input from personnel within that division/unit. Upon completion, all work plans will be submitted to the Administrative Services Bureau Assistant Chief. Completed work plans should also be made available to the members of the relevant unit/division.
- At the midpoint of the work plan's effective year, Division supervisors will prepare a status report and update on the goals and objectives stated in the work plan. At the discretion of the Chief, this update may be completed via a written report or a presentation made during monthly crime abatement.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1005 R-4**

EXERCISE OF AUTHORITY & DISCRETION

Effective Date: 12/15/1995	Revision Dates: R-1 01/06/2003; R-2 12/05/2003; R-3 02/09/2010; **R-4 01/04/2016**

INTRODUCTION

The integrity and professionalism valued by the Durham Police Department require that members be accountable for the exercise of authority. Decisions often must be made with incomplete information and under extreme time urgency. The rigorousness of this responsibility is a given and does not relieve members from accountability for the many exercises of their discretion. The Constitution and state and local laws provide a framework to establish the legal boundaries of available decisions. This department, however, will hold its members to an additional standard of making decisions and taking actions that uphold the stated mission and values of the Department, do no unnecessary harm or injury, and indicate thoughtfulness and reasonableness in selecting from multiple potential courses of action.

LEGAL AUTHORITY

N.C.G.S. § 160A-281 authorizes a city to appoint a chief of police and to employ other officers. N.C.G.S. § 160A-285 authorizes municipal police officers to enforce 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.

OATH OF OFFICE

No Durham Police officer shall exercise any police authority until he or she is duly sworn in as a police officer by an official authorized to administer oaths, using the Oath of Office (Attachment 1), in accordance with the procedures established by the North Carolina Criminal Justice Training and Standards Commission.

ETHICAL STANDARDS

No person shall serve as a Durham Police Officer unless he or she agrees to abide by the Law Enforcement Code of Conduct (Attachment 2) and subscribe to the Law Enforcement Code of Ethics (Attachment 3). All new Durham Police Officers shall, prior to being sworn in, sign a copy of both of these items, which shall be placed in that officer's personnel file. All non-sworn members are required to abide by a Department Code of Ethics (Attachment 4). Each non-sworn individual must sign a copy of this code which will be kept in their personnel file.

ETHICS TRAINING

Biennially the agency will conduct ethics training for all Department members.

THE USE OF DISCRETION

Members must use their personal judgment, knowledge, skill, and insight to bear in each encounter. Statutory requirements, legal precedents, written directives and department-established priorities must all be considered when exercising discretion. **Members are expected to routinely evaluate options and choose the one that reasonably satisfies the circumstances without applying presumption, bias or personal interest.**

Officers will be held accountable and may be officially evaluated on the quality of their judgment when discharging their official duties. When requested, officers must be able to articulate the specific factors that influenced their discretionary choice. An officer's personal chain-of-command will be responsible for reviewing and evaluating discretionary choices, including any failure to exercise appropriate authority when such exercise would be necessary to fulfill their professional duty.

ALTERNATIVES TO PHYSICAL ARREST

Unless otherwise required by law, officers are permitted to use several alternatives to the physical arrest of violators. With lesser violations and when no hazard to the community, victim or suspect exists, officers are encouraged to seek alternatives that may not involve incarceration.

Larry C. Smith
Interim Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1006 R-2**

CONCURRENT JURISDICTIONS & MUTUAL AID

Effective Date: 12/15/1995	Revision Dates: R-1 07/25/2003; **R-2 11/16/2009**

INTRODUCTION

The Durham Police Department will provide whatever assistance possible in response to requests for emergency assistance from other police agencies, correctional facilities or institutions. The Department maintains various agreements with other law enforcement agencies for the purposes of managing concurrent jurisdictions and mutual aid and services as outlined in N.C.G.S. § 90-95.2, §160A-288, §160A-288.1, and §160A-288.2. When assistance is requested by other agencies pursuant to these agreements, this Department will attempt to provide as much service as is practical and feasible.

GEOGRAPHICAL BOUNDARIES

The Emergency Communications Center maintains a current official map of the City but all officers should be familiar with the geographical boundaries of the City of Durham. Durham police officers have jurisdiction within the corporate limits, within a one mile radius outside of those limits, and upon owned or leased City real property, wherever located (N.C.G.S. § 15A-402(b),(c)). Law enforcement service for the City is shared concurrently with several other agencies.

ASSISTING OTHER DEPARTMENTS WITHIN THE CITY LIMITS

It is the duty of each member of the Department to render required assistance to other law enforcement agencies in the execution of their duties while within the City. Members of the Police Department are authorized to provide back-up support to units of other state and local agencies when these units are conducting police functions within the City. Such back-up may be initiated through the ECC or by self-initiated action of Department personnel. The on-duty Watch Commander will manage the length and amount of involvement based on total existing operational demands, and will be responsible for locating the official in charge, determining the role of the Department, and informing officers of their assignments and responsibilities.

MUTUAL AID OUTSIDE THE CITY LIMITS

The Durham Police Department has executed Mutual Aid Agreements with other law enforcement departments in the state. Copies of the agreements will be kept on file in the Police Attorney's office.

In the event that the Durham Police Department is contacted in advance by another law enforcement department or by the sheriff's department requesting aid, the Chief of Police or his designee shall be immediately notified so the situation can be reviewed and a determination made as to how many officers and what type of equipment

will be sent to the requesting department. Similarly, the Chief or his designee shall make any necessary requests for mutual aid or services from other agencies.

Such mutual aid agreements will be reviewed annually by the Police Attorneys to ensure that they remain current and in force.

CONTENT OF MUTUAL AID AGREEMENTS

The rights, responsibility, and authority of the Durham Police Department will be included in all mutual aid agreements entered into between this department and others.

Communications protocol will be established at the time the mutual aid agreement goes into effect. In all situations, the requesting agency must establish shared radio communication when this agency is providing mutual aid assistance.

FEDERAL LAW ENFORCEMENT ASSISTANCE PROCEDURES

In the event of an emergency which, in the opinion of the Chief, requires federal law enforcement assistance, the Chief or designee is authorized to solicit aid from the appropriate federal agency in accordance with any requirements established by the particular agency contacted.

NATIONAL GUARD ASSISTANCE

An emergency may arise which requires the call-out of the North Carolina National Guard. In this event, the Chief or designee will contact the Emergency Management Coordinator, who will contact the State Emergency Management Team at the Governor's Office. The State Emergency Management Office will contact the National Guard.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1007 R-4**

COMMAND AUTHORITY & RESPONSIBILITY

Effective Date: 12/15/1995	Revision Dates: R-1 05/16/1997; R-2 09/01/2002; R-3 01/10/2005; **R-4 02/09/2010**

INTRODUCTION

The Durham Police Department will provide for a sequential order of command to maintain continuous management of the Department.

RESPONSIBILITIES OF THE CHIEF OF POLICE

The Chief of Police is the chief executive officer of the Police Department. The Chief is responsible for organizing, controlling, and directing the personnel and resources of the Police Department.

The Chief of Police serves in accordance with the Provision of the City Code, functioning in accordance with general policy established by the City Council and the City Manager, with considerable latitude in the exercise of independent judgment and discretion in the management and operation of the Police Department.

CHAIN OF COMMAND

To ensure the unity of command, clearly defined lines of authority must be drawn so there exists a direct structural relationship from each employee through to the Chief of Police. Each employee must be aware of their relative position in the organization; to whom they are immediately responsible and those persons who are accountable to him or her.

Each Durham Police Department employee is accountable to only one supervisor at any given time. Each employee will be accountable to his or her regular immediate supervisor except when working 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 over that squad, assignment, event, duty or incident.

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

SEQUENTIAL ORDER OF COMMAND

In the event the Chief of Police is unavailable and a designee has not been assigned, command of the Department shall rest with the highest-ranking officer available.

The sequential order of command will be as follows:

- 1st – Deputy Chief of Operations;
- 2nd – Deputy Chief of Operations Support;
- 3rd – 6th Assistant Chief/Bureau Chief by order of seniority in the rank of Asst. Chief/Bureau Chief;
- 7th – Captains, by order of seniority in the rank of Captain.

SPAN OF CONTROL

To achieve effective direction, coordination and control, the number of employees under the immediate control of a supervisor shall not be greater than twelve (12). The exact number of employees supervised by any one supervisor will be dependent on the nature of the job being performed, the complexity of the task, the size of the area to be supervised, the experience of the employees, and other work environment factors.

Each commanding officer will continually review the number of employees being supervised by those under his/her command to ensure that appropriate limits are not exceeded.

COMMENSURATE AUTHORITY

Personnel will be given authority commensurate with their position and will be fully accountable for the use of, as well as for the failure to use this authority. Delegation of authority does not relieve a superior's full accountability or responsibility for the performance of their delegate.

AUTHORITY AND RESPONSIBILITY AT MAJOR INCIDENTS

In those incidents involving personnel from more than one division, the Incident Command system will be activated (see General Order 4021, Unusual Occurrences and Incident Command). The Incident Commander shall be responsible for traffic control, crime scene protection, evidence collection, investigative process, and prisoner security. The Public Information Officer will respond and handle media relations.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1008**

COMMAND PROTOCOL - RESCINDED

Effective Date: 12/15/1995	Revision Dates: R-1 04/15/2001; R-2 01/10/2005; **Rescinded 02/09/2009**

This General Order was rescinded on February 9, 2009. Its contents were incorporated into General Order 1007.

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1009 R-3**

STAFF COMMUNICATION & MEETINGS

Effective Date: 12/15/1995	Revision Dates: R-1 04/28/2004; R-2 04/20/2015; **R-3 08/14/2017**

INTRODUCTION

The Durham Police Department encourages communication, coordination and cooperation among all employees to ensure that the Department's mission, vision, goals and objectives are met. To facilitate this objective, appropriate methods of communication shall take place to allow members from different functions to distribute and receive information and to engage in dialogue that will improve the effectiveness of law enforcement services.

WRITTEN COMMUNICATION

Written communication involves any conversations or notifications memorialized in writing, regardless of whether it is distributed in hardcopy or electronic format (email, etc.). Electronic format is the preferred method for written communication unless the nature of a specific task, function or communication requires transmittal via hardcopy. As a general rule, communications requiring hardcopy transmittal are usually sensitive in nature, have some level of confidentiality, and/or require signatures.

Unless specifically exempted by law, all written communication should be considered public record. This includes memoranda and emails which do not contain criminal investigative, criminal intelligence or personnel matters, and OSSI messaging. As such, members should be professional in accordance with Rules and Regulations 1.3 *Conduct Unbecoming of Police Department Personnel.* All written correspondence for both internal and external distribution shall conform to the City's Correspondence Standards Manual & Style Guide.

Members shall utilize appropriate communication methods to effectively and efficiently conduct Departmental business. Mass distribution lists should be created as needed with a minimum number of members authorized to distribute in order to ensure accuracy of widespread information exchanges. A distribution list has been established by the Department for all sworn members as well as all department members. Only those members designated by the Chief of Police may send emails to these distribution lists. The Public Affairs unit will be the primary contact (secondary will be Executive Officer to the Chief of Police) if a member wishes to distribute approved material through this list.

BRIEFINGS

On Monday mornings, a briefing will be conducted to review the significant events that occurred over the weekend. The Monday morning briefing is a teleconference between the Executive Command Staff and Division Commanders, or their assigned representative. Designated divisions are required to participate in the teleconference. After previous events have been reported, attendees may address the group to provide

additional information or requests. The Executive Officer to the Chief of Police is responsible for coordinating Monday briefings.

DAILY ROLL CALL FOR UNIFORM PATROL

Twice a day, the Watch Commander will initiate roll-call. Daily Roll Call is a teleconference between the Watch Commander and members of Uniform Patrol where a review of significant events and other information is distributed. All available on-duty members of the Uniform Patrol division are required to report to their district's designated roll-call location to participate in the teleconference.

INTELLIGENCE MEETING

Each week an intelligence meeting may be held in order to disseminate and discuss criminal intelligence with investigators. The Analytical Services Division is responsible for coordinating this meeting. Investigative units throughout the department will assign at least one representative to attend and participate.

EXECUTIVE COMMAND STAFF MEETINGS

Executive Command Staff meetings will be held weekly, or as directed by the Chief of Police. In the absence of the Chief of Police, the designated Bureau Commander will be responsible for holding the meeting. Department members may be invited at the discretion of the Command Staff to provide information necessary for decision making process. Members who want to present information at the Executive Command Staff Meetings will request to do so through their chain of command. The Executive Officer to the Chief of Police is responsible for coordinating the meeting agenda.

CRIME ABATEMENT

Once a week, District Commanders shall present to the Executive Command Staff a report on the significant events that have occurred in their district during the previous week. They will discuss any significant events, including patterns of criminal activity, and describe any investigative or preventative actions taken to manage the significant events. The Executive Command Staff will have the opportunity to ask questions and provide comments regarding the content of the presentation. When appropriate, awards and other ceremonial presentations may take place during Crime Abatement. All Department members are invited to attend during their regularly scheduled work hours with the approval of their supervisor. Guests of the Department may be invited at the discretion of the Chief of Police. Once a month during Crime Abatement, time will be allotted to address administrative topics.

SWORN & NON-SWORN EMPLOYEE ADVISORY BOARDS (EAB)

Sworn and Non-Sworn EABs will be held quarterly unless directed otherwise by the Chief of Police. These meetings provide employees with the opportunity to address the Chief of Police through a designated representative with questions, concerns and recommendations for the Department. The agenda for these meetings is driven by those that serve on the committee. Topics are discussed and forwarded to appropriate personnel for follow-up. The Chief of Police shall solicit representatives from all Divisions in the Department to serve on the EABs.

BUREAU AND DIVISION STAFF MEETINGS

Bureau and Division Commanders are responsible for holding staff meetings based on the operational necessity of each Division. The guidelines for these meetings are located within each respective Standard Operating Procedures manual.

COMMITTEE MEETINGS

Committees may be formed to engage members in collaborative projects at the discretion of the Chief of Police. Standing committees formed by General Order or Standard Operating Procedure will operate in accordance with the stated policy. Ad hoc committees may be formed to address specific issues. Requests to form an ad hoc committee will be submitted through a member's chain of command. The request must include a definition of the issue or purpose of the committee, requirements for members of the committee and an estimated duration of the committee. Final approval of an ad hoc committee will be made by the appropriate Bureau Chief, or further up the chain of command at the discretion of the Bureau Chief.

Cerelyn J. Davis
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1010 R-1**

ADMINISTRATIVE REPORTING SYSTEM

Effective Date: 12/15/1995	Revision Dates: **R-1 07/25/2003**

POLICY

It shall be the policy of the Durham Police Department to maintain an administrative reporting system. The system shall be designed to provide management information on the activities of the agency and provide effective communication up the chain of command.

AGENCY REPORTS

The Monthly Report, an accounting of significant events of the previous month, is prepared by all organizational components of the department and forwarded to their respective division heads. Division heads are responsible for completing and forwarding a complete monthly report to the bureau commander. Bureau commanders will then summarize their bureau's activities using the same format and attach a copy of each of their division's reports to their summary memo for submission to the Chief of Police by the 5th day of each month. (See Attachment One).

In addition to the aforementioned internal Monthly Report, a separate Monthly Report is to be completed for the City's budget office and submitted through the Office of the Chief of Police. Much like the internal Quarterly Report, explained in greater detail below, the additional Monthly Report shall indicate significant department performance/workload indicators and the progress being made toward the attainment of these goals.

The Quarterly Report, prepared and submitted by each division head with the monthly report for that period, is based on program indicators which represent the division's goals and objectives for the current fiscal year. The quarterly report shall serve as an evaluation of the progress made towards the attainment of those goals and objectives. (See Attachment Two)

The Annual Report, a comprehensive document prepared by the department's Crime Analyst, is an accounting of the previous year's significant activities incorporating comparative as well as statistical data. The annual report is initially distributed to command staff members and then made available to all members and the general public upon request.

Steven W. Chalmers
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1011 R-3**

LAW ENFORCEMENT ACCREDITATION PROCESS

Effective Date: 12/15/1995	Revision Dates: R-1 04/01/2004; R-2 10/08/2012; **R-3 01/04/2016**

INTRODUCTION

It is the policy of the Durham Police Department to maintain its internationally accredited status by consistently adhering to all mandates set forth by the Commission on Accreditation for Law Enforcement Agencies (CALEA).

STANDARD COMPLIANCE

All members of the Department will have accesses to accreditation standards via Power DMS and may review them as needed. Where applicable, policies and procedures have been developed that require members to comply with standards.

The Accreditation Manager is responsible for coordinating the collection of documentation that is required to demonstrate compliance in accordance with the standards and programs/process manuals. When such documentation is needed, the Accreditation Manager will make requests to the appropriate member. Certain standards require that reports, analyses, reviews and inspections are completed according to a schedule determined by individual standards. These standards are considered time sensitive and are addressed in the appropriate policy or procedure. Commanders are responsible for ensuring that all activities required regularly (per incident, monthly, quarterly, semi-annual, annual, biennial, triennial, etc.) are completed according to policy and a record of the completion is maintained. These time sensitive items will be forwarded to the Accreditation Manager upon request. Time sensitive policy reviews will be initiated by the Accreditation Manager.

TRAINING

Accreditation familiarization training will be given to all new members within 30 days after employment begins. For sworn members, if the schedule does not allow for training to be conducted during the academy, the training may be completed within 30 days of the academy graduation.

Before an on-site assessment, all members will receive familiarization training relating to the on-site assessment phase of the accreditation process.

The Accreditation Manager shall be responsible for seeing that all members receive this training.

Larry C. Smith
Interim Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1012 R-1**

C.O.P.S. VOLUNTEER PROGRAM

Effective Date: 12/15/1995	Revision Dates: **R-1 08/15/2004**

INTRODUCTION

The Durham Police Department actively recruits non-sworn citizen volunteers to support the day to day operations of the various components of the agency, to reduce or stabilize the cost of operations, and to decrease the number of sworn employees assigned to administrative duties.

PROGRAM GOALS AND OBJECTIVES

- To increase Department and community awareness of the program as well as gain support and commitment.
- To expand and enhance, beyond budget capacity, services provided by the Police Department.
- To provide opportunities for civilian volunteers to actively participate and make meaningful contributions to the operations of the Police Department.
- To provide the Police Department with new ideas, experience, and the expertise of civilian volunteers.

RESPONSIBILITY FOR PROGRAM ADMINISTRATION

The Volunteer Coordinator shall have the responsibility of administering and managing the program for the Police Department. For purposes of this General Order, the Employee Services Administrative Assistant is the Volunteer Coordinator.

PROCEDURE TO REQUEST A VOLUNTEER

To Request a “COPS” volunteer, Unit Supervisors must fill out a Volunteer Request Form, available from the Volunteer Coordinator’s office, and return it to the Volunteer Coordinator. If the position to be filled is new, or of there is a significant change in an existing position, the individual making the request must also submit a position description along with the request form.

The Volunteer Coordinator will review the request and the new or updated position description. Once it is determined that the position description meets the required standards and format, the Coordinator will complete a Personnel Requisition and send it to Human Resources along with the position description.

APPLICATION AND SELECTION PROCESS FOR VOLUNTEERS

The City Human Resources Department is responsible for advertising vacancies, receiving and processing applications. Human Resources will screen the completed applications and refer the most qualified applicants to the Volunteer Coordinator.

The Unit Supervisor is responsible for designing the job function, writing the job description, and interviewing all applicants that are referred.

Employee Services will review questions to be asked in the interview process to assure that they meet departmental and City guidelines.

The Unit Supervisor will make a recommendation based on the results of the process or interview by ranking the applicants.

When the top three candidates have been recommended, Employee Services conducts a background investigation on each. The background investigation for volunteers is the same as for paid employees.

Volunteers that have been selected as a result of the interview process will have to pass a drug test, psychological evaluation, and a medical examination.

Employee Services will return the application of any applicant that cannot pass the background investigation to Human Resources.

Upon being notified of favorable results of pre-employment testing, Employee Services is responsible for sending conditional letters of employment.

Human Resources is responsible for notifying all applicants not selected for employment.

IDENTIFICATION CARDS

"COPS" volunteers will be issued an identification card once they become volunteers of the Durham Police Department.

ORIENTATION AND TRAINING OF VOLUNTEER SUPERVISORS

Units that wish to participate in the program must designate an individual who will supervise the volunteer(s). The Unit must be willing to provide that individual with the time to attend a one-day training and orientation session. The Unit must be willing to also provide that supervisor with the time to attend any and all training sessions that follow.

The one-day session is designed to acquaint the supervisor with the policies, rules, and procedures that govern the program. Additional training may be necessary to keep the supervisor current with any program or policy changes.

A Management Committee is in place to assist the Volunteer Coordinator with the orientation and training of supervisors.

The supervisor is responsible for the day to day supervision of the volunteer, performance evaluation, and record-keeping.

ORIENTATION AND TRAINING OF VOLUNTEERS

Volunteers that are selected must participate in a one day orientation and training session. This session is conducted at the beginning of their employment with the department. Policies, rules, and procedures that govern the Department and the Volunteer Program will be covered in this session.

RISK MANAGEMENT/INJURIES

Risk Management issues for volunteers shall be resolved in accordance with the policies and guidelines of the Risk Management office.

ANNUAL REVIEW

The "COPS" program will be reviewed annually by the Volunteer Coordinator with assistance from the Volunteer Supervisors. The purpose for the review is to determine if the program is meeting stated goals and objectives and continues to be an asset to the department.

Steven W. Chalmers

Steven W. Chalmers
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1013**

DEPARTMENT VEHICLES - RESCINDED

Effective Date: 12/15/1995	Revision Dates: R-1 09/01/2001; R-2 12/05/2003; R-3 04/28/04; Rescinded 06/10/2011

On June 10, 2011 this General Order was relocated to the 3000 Series of the General Orders Manual and assigned a new number, 3004.

INTERNAL AFFAIRS

Effective Date: 12/15/1995 Revision Dates: Revision Dates: R-1 03/01/1996; R-2 05/16/1997; R-3 07/25/2003; R-4 01/10/2005; R-5 11/22/2006; R-6 07/22/2010; R-7 01/31/2013; R-8 11/03/2014; **R-9 04/17/2017**

INTRODUCTION

The Durham Police Department (DPD) investigates all complaints or allegations against either Department members or the Department as a whole, including anonymous complaints. The Professional Standards Division (PSD) is responsible for the receipt, recording, review and management of complaints made against the Department and department personnel. Any investigation or hearing arising from a complaint will be conducted in a fair and impartial manner with the truth as its primary objective. PSD will investigate both sworn and non-sworn members of the Department, to include reserve officers and volunteers.

NOTIFICATION TO THE CHIEF OF POLICE

The Commander of the PSD reports directly to the Chief of Police.

The PSD Commander, or designee, will notify the Chief of Police immediately upon receipt of the following complaints:

- Allegations involving a violation of criminal law;
- Incidents where serious bodily injury or death to a member or another person arose in the course of a member's performance of duties;
- An allegation which by its nature if "founded" could lead to dismissal of an employee;
- Incidents reasonably likely to become high profile within the community.

RECORDS OF ADMINISTRATIVE INVESTIGATIONS

PSD is responsible for maintaining accurate records of all administrative investigations against the Department or its members, and providing the following reports:

- Quarterly case status reports consisting of complaint dates, types, and status/dispositions for administrative investigations, citizen complaints and performance reviews conducted within the preceding quarter. The quarterly report will be submitted to the City Manager and the Civilian Review Board by the Chief of Police or his/her designee.
- Annual statistical summaries of the number of internal/external complaints made and their findings to the Chief of Police which will be made available to the public.

PSD shall maintain a database that tracks and stores administrative investigations. Access to this database and all hardcopies of the case will be restricted by PSD personnel on a need to know basis in accordance with applicable policies and laws. The PSD Commander, or designee, is responsible for ensuring that all newly

generated administrative investigations are entered into the database and that each case has the appropriate assignment, case type and disposition. All cases are reviewed by PSD personnel for accuracy.

GENERATION OF A COMPLAINT

Complaints are initiated by either an internal source or an external source. External complaints are initiated by a source outside of DPD and are processed as a Citizen's Complaint. External complaints may be submitted in written form, taken via telephone, fax, email or any other electronic form of communication, or in person. Complaints made to any employee, other than the Desk Officer, will result in immediate supervisor notification. Desk Officers will forward complaints directly to Internal Affairs.

Internal complaints are initiated by a member of the Department either through the employee's chain of command or directly to the Professional Standards Division. They may be submitted in written form, taken via telephone, fax, email or any other electronic form of communication, or in person. As with citizen's complaints, anonymous complaints from Department members will be investigated.

CASE PROCESSING & INVESTIGATIONS

The PSD Commander, or designee, will coordinate case assignments and ensure that cases are completed with the appropriate level of thoroughness and accuracy. Only supervisory personnel will be assigned cases to investigate.

The accused employee will be notified, in writing, of the allegation(s) and their rights and responsibilities (HRM-322 – *Disciplinary Policy*). This notice shall also specify which policies are alleged to have been violated, as well as the date(s), location(s) and manner in which the violation(s) are alleged to have occurred.

All communications during an investigation shall be documented. A copy of written correspondence will be maintained in the case file. If the correspondence was mailed with a return receipt card, the returned card and any letters returned as undeliverable will be kept in the case file. Phone calls, including the documentation of interviews conducted over the phone and messages left, will be documented in the file to include the date and time of the call.

All investigations will be documented in a final report drafted by the investigating supervisor. Consistent formats for each report, based on the type of case, will be supplied by the PSD and must be followed. Minimally each report will identify the allegation made, relevant dates and times to the investigation, sources of information, a brief statement as to the facts and evidence obtained, conclusions drawn from the investigation, and a case finding.

Assigned investigators are expected to complete their cases and submit them for appropriate review by their chain of command in accordance with the timelines established in department policy. Extensions on the timeline may be granted by the PSD Commander on a case by case basis. All extensions must be documented to include the new date for completion and reason for the extension. Failure to complete required reports in accordance with stated time frames may constitute a violation of G.O. 4028 *Report Writing*.

Supervisors reviewing reports within a member's chain of command are expected to conduct the review and respond in a timely manner. The PSD Commander may provide supervisors who have un-reviewed reports pending with a due date for the completion of their review. Supervisors who are unable to complete their reviews in a timely manner or by the due date are required to contact the PSD to request an extension.

USE OF FORCE, ACCIDENTAL DISCHARGE & INJURY TO CITIZEN REVIEW PROCEDURES

PSD is responsible for reviewing Use of Force, Injury to Citizen and Accidental Discharge Reports and verifying that policies and procedures were followed. The procedures for initiation of Use of Force Report

and/or an Injury to Citizen Report, the timeline for the submission of such reports and the chain of command review are outlined in G.O. 4008 – *Use of Force*.
Because this type of investigation is required without any allegation that policies have been violated, the investigating supervisor is not required to notify the employee in writing unless the investigation transitions into a Performance Review or Administrative Review. PSD personnel will review the completed reports. Reports that are incomplete, have conflicting information or require further information may be returned to the investigating supervisor. If a policy violation is identified, the investigating supervisor will inform the involved employee's Commander of the violation and a Performance Review will be initiated. For potentially serious violations, PSD should be notified in order to determine whether an Administrative Review will be initiated.

VEHICLE PURSUIT PROCEDURES

PSD is responsible for reviewing Vehicle Pursuit Reports and verifying that policies and procedures were followed. Vehicle Pursuit Reports will be generated in accordance with G.O. 4019 *Vehicle Pursuits* and all appropriate information and attachments will be forwarded through the chain of command. An Administrative Review may be initiated for pursuits in which serious bodily injury or death occurs. Because this type of investigation is required without any allegation that policies have been violated, the investigating supervisor is not required to notify the employee in writing unless the investigation transitions into a Performance Review or Administrative Review. PSD personnel will review the completed reports. Reports that are incomplete, have conflicting information or require further information may be returned to the investigating supervisor. If a policy violation is identified, the investigating supervisor will inform the involved employee's Commander of the violation and a Performance Review will be initiated. For potentially serious violations, PSD should be notified in order to determine whether an Administrative Review will be initiated.

DEPARTMENTAL VEHICLE COLLISIONS

The processing of reports that result from a vehicle collision involving City owned vehicles operated by a member of the Department will be conducted in accordance with G.O. 3005 *Department Vehicle Collisions*. A member of the PSD will be responsible for serving as the chairperson for the Traffic Collision Review Board and will be responsible for documenting case information in the PSD database. An Administrative Review may be initiated for departmental collisions in which serious bodily injury or death occurs.

CITIZEN COMPLAINT PROCEDURES

When a citizen complaint is received, it will be immediately forwarded to the PSD Commander who will review it and assign it for investigation. Once assigned, PSD will send written notification to the complainant, acknowledging receipt of the complaint. If a supervisor is contacted by a citizen with a concern, but the citizen does not wish to file a formal complaint, the supervisor will document the concern and any follow up in accordance with Performance Management Guidelines.

The assigned investigating supervisor is required to initiate contact with the primary complainant within five (5) business days of assignment. During the course of the investigation, the complainant will be provided with updates on the status of the investigation by the investigator at least once every twenty (20) days until the investigation has concluded. Unsuccessful attempts to contact the complainant will be documented. Updates may also be made with written communication. Investigators will submit their findings of the citizen's complaint through their chain of command to the PSD Commander within 45 days of assignment. Upon receipt of the case findings, the PSD Commander may return the case to the investigator for additional information, clarification or corrections. The investigating supervisor will address all of the identified deficiencies and return the case to PSD by the designated due date.

Once finalized, the case will be forwarded by PSD through the chain of command to the Deputy Chief for each member involved to obtain concurrence or non-concurrence with the findings. Within five (5) business days of PSD receiving a concurrence/non-concurrence from the Deputy Chief, PSD personnel will send a written notice, via certified mail return receipt requested, to the complainant with the results of the investigation. The notification will include a brief and general explanation for the finding.

PERFORMANCE REVIEW PROCEDURES

A Performance Review may be initiated by a department supervisor or PSD. These complaints shall be investigated at the division or district level, and will mainly center on job performance issues or other minor potential policy violations. Division/District Commanders may designate either the Assistant Commander or the employee's immediate supervisor to serve as the investigator for the Performance Review, unless PSD or the Commander's chain of command specifies differently.

The assigned investigating supervisor is required to notify all employees who are the subject of the review within 24 hours of starting the investigation as described in the "Case Processing" section of this policy. Investigators will submit their findings of the Performance Review through their chain of command to the PSD Commander within 45 days of assignment. Upon receipt of the case findings, the PSD Commander may return the case to the investigator for additional information, clarification, or corrections. The investigating supervisor will address all of the identified deficiencies and return the case to the PSD by the designated due date.

If, at any time during the Performance Review investigation, the investigating supervisor determines that potentially serious violations are alleged or may have occurred, they will immediate notify PSD. The PSD Commander will review the information obtained by the investigator and determine whether or not the investigation will continue as a Performance Review or whether it will transition into an Administrative Review.
Once finalized, the case will be forwarded by the PSD through the chain of command to the Deputy Chief for each member involved to obtain concurrence or non-concurrence with the findings. The employee's Division Commander will be notified of the final results of the investigation by PSD personnel within five (5) business days of PSD receiving concurrence or non-concurrence from the Deputy Chief.

ADMINISTRATIVE REVIEW PROCEDURES

Serious allegations of wrongdoing, including but not limited to matters in which criminal charges are a possibility, or the actions of the employee could reasonably be expected to impugn the integrity of Department or City, will be assigned as an Administrative Review. These complaints are investigated by the Professional Standards Division.

The assigned investigator is required to notify all employees who are the subject of the review within 24 hours of starting the investigation as described in the "Case Processing" section of this policy. The employee may not be notified if the allegation is criminal in nature or, if in the opinion of the PSD Commander and the Chief of Police, notification would potentially impede the course of the administrative investigation. When it is determined that the employee will be notified, a written notification will be made by the investigating supervisor as described in the "Case Processing" section of this policy.

Investigators will submit their findings of the Administrative Review to the PSD Commander within 90 days of assignment. Upon receipt of the case findings, the PSD Commander may return the case to the investigator for additional information, clarification, or corrections. The investigating supervisor will address all of the identified deficiencies and return the case to PSD by the designated due date.

Once finalized, the case will be forwarded by PSD through the chain of command to the Deputy Chief for each member involved to obtain concurrence or non-concurrence with the findings. The employee's Division Commander will be notified of the final results of the investigation by PSD personnel within 5 business days of PSD receiving concurrence or non-concurrence from the Deputy Chief.

EXTERNAL INVESTIGATIVE ASSISTANCE

Criminal investigations may be referred to an outside agency such as the State Bureau of Investigation upon a request by the Chief of Police. PSD may conduct an Administrative Review of the same alleged incident to determine violations of City or Departmental policies. Members may in no way hamper or interfere with the investigation by the designated agency.

In accordance with City of Durham Policy HRM-708 – *Anti-Harassment Policy* and G.O. 2016 – *Sexual Harassment*, all complaints or allegations of harassment as defined in the City's policy will be forwarded to the City Human Resources Department for investigation. Also, in accordance with City of Durham Policy HRM-203 – *Equal Opportunity Employment*, HRM-708 – *Anti-Harassment Policy* and this General Order all complaints or allegations of discrimination will be forwarded to the City Human Resources Department for investigation.

EMPLOYEE INTERVIEW PROCEDURES

All members who are the subject of (not those who are a witness to) an administrative investigation shall be required to sign an admonition form prior to any questioning. Most administrative interviews will occur in the offices of the PSD. PSD investigators will audio and video record all interviews. Other supervisors conducting administrative investigations may audio and/or video record employee interviews. No other recordings of any kind will be made by members during an interview.

Each member shall be given at least a three hour notice prior to an administrative interview, unless exigent circumstances necessitate immediate involvement by investigators. Every effort shall be made by the PSD investigator to schedule interviews at a time that is convenient for the member and is during their normal Department work schedule.

All persons who report to PSD to be interviewed shall remove all weapons from their person and secure them in a locker prior to meeting with the investigator. Weapons include, but are not limited to, the duty weapon, any secondary firearms, knives, Taser, and pepper spray. Lockers and padlocks have been provided for the purpose of securing these items. After securing all weapons in a locker using the provided padlock, the interviewee shall provide the padlock key to the investigator when he/she reports to the investigator's office. When the interview is completed, the key will be returned and the interviewee may retrieve his/her equipment and belongings. Interviewees shall then place the padlock and key back on the locker door. If law enforcement powers are suspended, the investigator shall retain possession of the key and assist the interviewee with the retrieval of any personal belongings and equipment allowed to remain in the member's possession. This directive does not apply to supervisors who are merely accompanying one of their personnel as support during an interview.

At the request of the member to be interviewed, the member's immediate supervisor may be present during any interviews with PSD. If the supervisor requested is not available to attend an interview, or if the supervisor is a party or witness to the incident being investigated, the next highest-ranking supervisor available and who is neither a party nor witness to the incident being investigated may take the place of the immediate supervisor. The observing supervisor may not be a part of the investigative process, either in the questioning or the defense of the member, and is only allowed to observe the interview. No questions, testimony, advice, or distractions shall be allowed on the part of the observing supervisor.

Privately retained attorneys shall not be present during an administrative investigation or hearing.

Supervisors conducting administrative investigations may require written and verbal statements from each member questioned.

An initial statement will be given prior to the interviewee viewing any recordings to obtain a statement regarding events being investigated. After the initial statement is made, the investigator may review recordings with the interviewee. Law enforcement recordings will be viewed in accordance with G.O. 4064 – *In-Car Cameras*, G.O. 4083 – *Body-Worn Cameras* and G.O. 4084 – *Release & Disclosure of Law Enforcement Recordings*. After the recordings have been viewed by the interviewee, they will be given the opportunity to make an additional statement to reconcile any discrepancies that may exist between their original statement and the viewed recordings.

During the course of the investigation, employees may be called upon for more than one interview.

Members who intentionally make untrue statements in response to an internal investigation, or who fail to disclose information that a reasonable person would conclude could be materially relevant to the investigation regardless of whether or not specifically questioned about the matter will receive disciplinary action, up to and including termination of employment. This shall include any statements which are deceptive in nature in any way or reasonably likely to hinder the investigation.

No employee shall contact any complainant, complainant's witness, or other involved member in any manner without specific authorization from his or her supervisor and the supervisor investigating the complaint.

INVESTIGATIVE SOURCES

When reasonably necessary for a thorough and accurate administrative investigation, employees may be required to submit to and/or provide any or all of the following for administrative purposes only:

- Intoxilyzer tests
- Portable breath (Alcosensor) tests
- Medical laboratory tests
- Polygraph examinations
- Employee lineup
- Photographic lineup
- Financial records
- Telephone or electronic communications

Investigating supervisors will identify, attempt to obtain, and review recordings that may be material to an investigation. This may include DPD recordings, surveillance camera footage and private citizen recordings. If a non-department member is in possession of the recording, the investigator will request a copy of the recording to include how the recording was obtained.

Failure to submit to any of the above procedures will constitute insubordination and the employee will be subject to disciplinary action, up to and including termination.

The Chief of Police may authorize the lawful surveillance, photographing or filming of employees during complaint investigations.

CASE FINDINGS

Case findings will be classified as either:

- Unfounded - The incident did not occur or the officer investigated was not involved.
- Not Sustained - There is insufficient evidence to either prove or disprove the allegation.
- Exonerated - The incident occurred but was lawful and proper.
- Sustained - The allegation is supported by sufficient evidence to indicate the allegation is true.
- Withdrawn – The complainant withdraws the allegation before conclusion of the investigation or finding of fault.
- Discontinued – Circumstances arise which cause the investigation to cease prior to the case being finalized.
- Policy Failure - The allegation is true; however, there is currently no written policy governing the conduct or performance in question. The Division should strive to be aware of changes in policies, procedures, rules and regulations that may prevent future allegations of misconduct, as well as the need to modify or expand training. Without compromising the integrity of any confidential information, the PSD Commander shall notify the Accreditation Manager of the circumstances surrounding any findings of this type, so that any Departmental policy deficiency may be addressed.

CITIZEN'S APPEAL

Citizens who are not satisfied with the final disposition of a case may appeal the findings to the Civilian Police Review Board. The right to appeal and instructions for doing so are provided to the complainant when he/she is notified of the results of the investigation.

CASE OVERVIEW MEETING

In cases where discipline has been recommended, the member may, at his or her request, meet with a PSD staff member, who will review the case involving the member. The member may read the case file in the presence of a PSD member, and may ask for and receive general information that led to the case findings. Members are restricted from making a photocopy or removing any portion of the case file from PSD, but may make written notes if desired. No information will be divulged to the member if it would violate any law or any other City or Department policy. The purpose of this meeting is to better equip the member with information to use during the pre-disciplinary conference described in HRM-322 – Disciplinary Policy and G.O. 2001 – Disciplinary Procedures.

Cerelyn J. Davis
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1015 R-3**

SUPPLY SECTION

Effective Date: 12/15/1995	Revision Dates: R-1 05/16/1997; R-2 04/15/2001; **R-3 08/15/2004**

INTRODUCTION

The Durham Police Department has a Supply Section that is a component of the Planning Unit. The primary focus of this unit is storage and distribution of supplies, and maintenance of Department-owned weapons. The Supply Section is staffed by a Police Services Technician, who reports to the Fleet Manager, and a Storekeeper, who reports to the Police Services Technician.

GENERAL SUPPLY ROOM PROCEDURES

The Supply Section will coordinate the general receiving/issuance of clerical goods/supplies and personal issue items, distribution of received supplies, and repair of departmental weapons. The Police Services Technician and the Storekeeper will maintain files on all issuance of personal clothing/equipment, process citation books, and will coordinate any tailoring to be performed on issued clothing.

SUPPLIES

Members requesting items in stock in the Supply Room will be waited on a “first come, first served” basis. With few exceptions, all received orders will be processed through the Supply Room. The Police Services Technician or the Storekeeper will inspect incoming shipments for any shortage or damage. The ordering division/unit will be responsible for picking up or transportation of any supplies from the Supply Room to their respective office.

GUN VAULT ALARM

In the event the gun vault alarm is activated outside of business hours, one of the following members shall be contacted.

- Police Services Technician;
- Fleet Manager; and
- Senior Police Planner.

WEAPON REPAIR

The Police Services Technician shall perform repairs on all City-owned weapons. All repairs will be handled on a priority basis. In the event a weapon needs to be retained because of extensive repair or sent back to the factory, the member shall be temporarily issued a replacement weapon.

CITATION AND PARKING TICKETS BOOKS

Citation and parking ticket books will be stored in the Supply Room and issued by the Police Services Technician or the Storekeeper to officers upon request. The number of books issued will normally be limited to two (2) books. The Police Services Technician or the Storekeeper shall maintain a log of the issuance and receipt of these books. Normally, the Technician will expect officers to turn in a completed book when requesting a replacement.

Steven W. Chalmers

Steven W. Chalmers
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1016 R-2**

EMPLOYEE SERVICES UNIT

Effective Date: 12/15/1995	Revision Dates: R-1 09/01/2002; **R-2 01/10/2005**

INTRODUCTION

The Employee Services Unit includes Career Development and Personnel Information. Employee Services is designed to assist staff and administration in personnel matters, along with providing information to outside agencies and the public.

SERVICES PROVIDED

Career Development:

- Services are outlined in General Order 2006, Career Development.

Personnel Information:

* Providing information and counseling to all employees regarding personnel policies, procedures, and benefits; providing information and assistance to officers and their families in cases of injury or death.
* Assisting employees in making well-informed decisions with respect to their rights and options under police general orders and city policy.
* Counseling employees on options in cases of grievance; ensuring that the Chief of Police receives internal grievances; monitoring progress toward resolution; ensuring timely response, maintaining records; and coordinating with City personnel in grievance resolution.
* Maintaining confidential personnel records of current and former police employees, providing employees access to their files, and assisting employees in purging appropriate disciplinary actions from their files after three years.

Other Services:

* Serving as employee advocate, department representative and/or department liaison between the police and other departments and agencies as requested.
* Ensuring that all accreditation standards, general orders, City policies, and governmental regulations are followed in all personnel matters involving police employees; coordinating personnel activities with the City Human Resources Department.
* Coordinating selection processes for the police department, including hiring, promotion, and transfer processes, to ensure that all elements of the selection process are job-related and administered, scored, evaluated, and interpreted in a uniform manner and that all City policies and guidelines are followed.

* Coordinating the Employee Performance Appraisal process for the department in cooperation with Human Resources.
* Monitoring and coordinating limited and temporary arrangements for restricted duty assignments for employees who are temporarily unable to perform their regular job functions due to mental or physical reasons.
* Reviewing and calculating overtime forms for department personnel and submitting them to Accounting Services. In lieu of an overtime request form, Employee Services may submit a memorandum to the Fiscal Officer indicating the name of the officer, the date, the number of hours, and the dollar amount to be disbursed.

Steven W. Chalmers

Steven W. Chalmers
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1017 R-4**

CRIME ANALYSIS UNIT

Effective Date: 12/15/1995	Revision Dates: R-1 03/01/1995; R-2 05/01/1996; R-3 09.01.2002; **R-4 04/28/2004**

INTRODUCTION

The Durham Police Department has a Crime Analysis Unit. The primary function of the Crime Analysis Unit is to provide appropriate crime related data and analysis of crime related data to other units within the Durham Police Department.

DISTRIBUTION OF INFORMATION

The Crime Analysis Unit will prepare a weekly, monthly and quarterly report on analysis of specific crime activity. These reports will be distributed to the affected organizational units as follows:

WEEKLY AND MONTHLY REPORT

- Chief of Police
- Executive Staff
- District Commanders
- Criminal Investigations Commander
- Special Operations Commander

QUARTERLY REPORT

- All Command Staff

RELEASE OF INFORMATION OUTSIDE THE DEPARTMENT

The Uniform Crime Report will be distributed to any person or agency upon request. Other crime information on offenders, modus operandi, suspects and juveniles will be limited to other law enforcement agencies, courts, and any other interested party on a need-to-know basis with the approval of the affected Division or District Commander.

DOCUMENTATION OF CRIMINAL ACTIVITY

The Crime Analysis Unit will produce documentation of all Part 1 Crimes (with the exception of larceny) in the form of computer-generated printouts and maps identifying the temporal and geographic elements of crimes committed.

ANALYSIS FEEDBACK/EVALUATION

A feedback/evaluation survey will be provided on a quarterly basis to selected personnel on the distribution lists. This survey will assist the Crime Analysis Unit staff in determining the effectiveness of information produced by the Unit.

Steven W. Chalmers

Steven W. Chalmers
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1018 R-2**

COMMUNITY RELATIONS

Effective Date: 12/15/1995	Revision Dates: R-1 07/25/2003; **R-2 04/24/2017**

INTRODUCTION

The Durham Police Department encourages positive interactions between its members and the community. It seeks opportunities to establish and maintain close ties with the community and to provide services that meet the community's needs. The Durham Police Department is committed to providing service that reflects the values of the citizens it serves.

SPECIFIC AREAS OF RESPONSIBILITY

All officers of the Durham Police Department are active participants in the Department's community relations objectives. District Commanders in the Patrol Services Bureau are responsible for assisting in the development and coordination of the community relations function and for implementing approved strategies and programs.

As part of its plan for improved community relations, the Durham Police Department will continually develop and update its community-relations practices. Critical to this process is an open exchange of information. To that end, the Durham Police Department will seek feedback from the community. All officers are a part of this goal, conveying information and concerns of the community to their supervisors.

Interaction with groups and organizations allows the Durham Police Department to examine the practices that have a bearing on community relations. These examinations allow the Department to identify training needs that will improve actions, practices, and attitudes that may contribute to community tensions and grievances. The Durham Police Department will maintain a liaison with community groups and organizations.

ROLE OF THE INDIVIDUAL OFFICER

The positive relationship is damaged when officers use words, phrases, or mannerisms that may be interpreted as offensive by members of the public with whom officers are interacting. In dealing with members of the community, each officer must attempt to make the interaction one that inspires respect for himself/herself as an individual and a professional, and one that generates the cooperation and approval of the public**.**

DEPARTMENTAL RELATIONSHIPS WITH JUVENILES

Because of the importance of the Department's relationship to juveniles during its day-to-day operation, police personnel are seen by young people in a role that is much different from that of other professions. For this reason, Department personnel should be mindful of the impact that their daily activities and demeanor have on young people.

Regardless of rank or assignment, officers should exert a positive influence on the youth of our community and provide valuable input for department programs aimed at youth guidance.

ATTITUDES

While some citizens may display characteristics or select lifestyles that differ from the values of an individual police officer, each person must be treated with the respect and courtesy due all citizens. The responsibility for this attitude of courtesy and respect lies with each individual officer. Such an attitude is equally important on and off duty because each officer is likely to be judged as a representative of the Durham Police Department, regardless of the circumstances surrounding the interaction.

INTERPERSONAL COMMUNICATION

To promote understanding and cooperation, there must be interpersonal communication between members of the community and officers at all levels in the Department. All officers must be aware of both the law enforcement needs of the community and their particular assigned area of responsibility. The Durham Police Department must provide programs to encourage productive dialogue with the public at all levels and ensure that the unity of the police and the public is preserved.

Cerelyn J. Davis
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1019 R-3**

CRIME PREVENTION & COMMUNITY ENGAGEMENT

Effective Date: 12/15/1995	Revision Dates: R-1 09/01/2002; R-2 08/15/2004; **R-3 11/09/2015**

INTRODUCTION

The key to any successful crime prevention program is an involved and educated public. While this involvement may take many forms, the cornerstone programs of the Durham Police Department's crime prevention efforts focus on, but are not limited to, engaging the community through programs and informational campaigns. Examples of such programs include: Neighborhood Watch

- Business/Home Security
- Robbery Prevention
- Fraud Prevention
- Emergency Call-Back Program

The Durham Police Department offers and promotes free crime prevention/awareness programs upon request for areas targeted for such activities. The units within the Community Services Division (CSD) will be responsible for the establishment, implementation and review of general crime prevention and educational programs. The CSD will also support the patrol districts in assisting with awareness and educational campaigns to address current trends or activities.

ROLE OF THE PATROL DISTRICT COMMANDER

District Commanders are responsible for developing and implementing operational strategies for use in intercepting criminal acts or in undertaking crime prevention programs in their respective districts. These strategies are developed on the basis of input from a variety of sources. While factual research data is crucial, business, civic and religious leaders in the community often have concerns not reflected in the Department's statistical analysis of crime. It is the District Commander's responsibility to strike that balance between prevention and enforcement which best meets the needs of the community he/she serves. The District Commander must establish and maintain liaisons with interested community groups. Programs developed should target areas and types of crime identified. District Commanders should consult with the CSD to develop initiatives to effectively meet their prevention program responsibilities. Successful crime prevention programs and initiatives should be forwarded to the CSD for evaluation and consideration for expansion throughout the Department.

ROLE OF THE INDIVIDUAL OFFICER

Officers are encouraged to take advantage of every opportunity to interact with residents and businesses. During these interactions, officers are expected to listen to community member concerns and forward concerns that cannot be addressed by the officer to the appropriate division or unit through their chain of command. Officers are also encouraged to utilize resources provided by the Community Resource Officers to help address concerns.

The ultimate success of any crime prevention/awareness strategy depends upon the commitment and the desire of the officers involved and on their willingness to provide the resources citizens need to become active participants in reducing crime in their community.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1020 R-5**

SPECIALIZED ASSIGNMENTS

Effective Date: 12/15/1995	Revision Dates: R-1 05/16/1997; R-2 04/15/2001; R-3 09/01/2002; R-4 04/13/2007; **R-5 05/16/2016**

GENERAL

Specialized assignments are designated functions performed voluntarily by police officers in addition to their regular duties. Officers may not participate in more than one specialized assignment at the same time without the written approval of the Chief of Police.

AREAS OF INTEREST

THE FOLLOWING UNITS ARE CONSIDERED SPECIAL ASSIGNMENTS:

* Honor Guard (General Order 1021)
* Hostage Negotiation Team (General Order 1022)
* Police Explorer Advisors (General Order 1044)
* Patrol Sharpshooters (General Order 1047)
* Law Enforcement Choir (General Order 1048)
* Shooting Sports Team (General Order 1049)
* Mobile Police Substation Drivers (General Order 4066)
* Reserve Selective Enforcement Team (General Order 1023)

RESPONSIBILITY FOR SPECIALIZED ASSIGNMENTS

The Chief of Police will assign Coordinators, or supervisors, who will exercise administrative responsibility for the functions and operations of each specialized assignment.

DETERMINATION OF VACANCIES

Coordinators will annually determine if there is a need for more personnel to be added to their specialized assignment. If it is determined that there is a need for more personnel than are currently assigned to a specialized assignment, a selection process may be conducted. An eligibility list may be developed from this process and used to fill any new vacancies occurring during the year following the selection process.

NOTIFICATION OF VACANCIES

Upon notification of a specialized assignment vacancy by the Coordinator of one of the specialized assignments, the Chief of Police will issue a memorandum announcing the vacancy, the number of vacancies, eligibility requirements, directions for submitting an application, selection procedures and an application deadline.

If the Coordinator wishes to generate a list of eligible applicants for the period of one year, that information will be included in the vacancy announcement.

ELIGIBILITY

Officers with a minimum of twenty-four (24) months of continuous service as a regular sworn officer with the Durham Police Department, calculated from the date of release from the P.T.O. Program, are eligible to participate in any specialized assignment, unless the general order for that assignment specifies a different time frame. Officers with a break in service from the Department must have the required months of continuous service after their break to be eligible. Further eligibility requirements are outlined in the general orders for each specialized assignment.

APPLICATION PROCEDURES

All eligible applicants shall submit to Employee Services a personal resume and memorandum addressed to the Chief of Police through their chain of command.

SELECTION PROCEDURES

Coordinators will establish a selection process to fill potential vacancies. The selection process will be submitted through Employee Services to the Chief of Police for approval prior to implementation. If an oral review board is to be used in the selection process, the Coordinator will provide the Employee Services Unit with a copy of the rating form, names of board members, list of interview questions, and an outline of the procedures to be followed.

After the application deadline, Employee Services will verify eligibility and forward the applications to the Coordinator.

The Coordinator will ensure that selection procedures follow those approved by the Chief of Police. Results of the process will be tabulated and verified by the Coordinator with officers ranked in numerical order based on their performance in the selection process.

The Durham Police Department will ensure that fair and equitable treatment is afforded to all employees in selecting members for special assignments. Final decisions regarding special assignments will be the responsibility of the Chief of Police.

RESIGNATION FROM SPECIALIZED ASSIGNMENTS

A member of the department may resign from a specialized assignment by writing a letter to the Chief of Police through their chain of command. The member shall send a copy of this letter to the Coordinator of the specialized assignment.

ANNUAL REVIEW OF SPECIALIZED ASSIGNMENTS

At the end of each year, all Coordinators will conduct an annual review of the specialized assignments. A written review of the purpose, yearly activities and staffing will be submitted to the Chief of Police along with a recommendation for the continuation of the assignment.

The Chief of Police will review annual reports to determine if the specialized assignments beneficial to the Department and make a decision to continue or discontinue the assignment. Modification to specialized assignments may be made by the Chief of Police at any time during the year depending on the needs of the Department.

Larry C. Smith
Interim Chief of Police

	General Order **Durham Police Department** **Durham, NC**	**Number:** **1021 R-4**

HONOR GUARD

Effective Date: 12/15/1995	Revision Dates: R-1 09/1/2002; R-2 01/10/2005; R-3 04/06/2010; **R-4 08/14/2017**

INTRODUCTION

The Durham Police Department (DPD) shall maintain an Honor Guard Team which provides Departmental honors to the family of deceased members, to include active, retired, and reserve officers and non-sworn members of the Department, upon the request of their family. The Honor Guard also represents the Department at the funeral services of members of other law enforcement agencies, along with providing appropriate ceremonial services at memorials, parades and other special events. The Honor Guard Team is a voluntary assignment coordinated through the Community Services Division.

ELIGIBILITY AND SELECTION OF HONOR GUARD MEMBERS

Selection of Honor Guard members will follow the guidelines set forth in G.O. 1020 *Specialized Assignments*. Officers interested in applying for positions on the Honor Guard must submit the Honor Guard Application to their supervisor. Any officer may apply following successful completion of the Police Training Officer program and release to full duty so long as they meet the following requirements:

* Attainment of an overall rating of meets or exceeds expectations on the last annual Employee Performance Appraisals, Probationary Performance Appraisal or Coaching & Counseling session immediately preceding the application deadline; (and)
* No disciplinary suspension of twenty-four (24) hours or more for a period of one (1) year from the date of the disciplinary action to the application deadline.

Upon receipt of an Honor Guard Application, the supervisor will indicate his/her recommendation on the form and forward it to the Community Services Division Commander, or his/her designee. When supervisors consider recommending officers for the Honor Guard, the officer applicant's reliability, disciplinary record and ability to meet individual, unit and departmental performance measures should be considered.

HONOR GUARD MEMBER RESPONSIBILITIES

Members of the Honor Guard are expected to participate in Honor Guard activities and meet the requirements established in SOP Manual 4.5 *Honor Guard* in addition to all of the duties, responsibilities and performance requirements of their current assignment.

Honor Guard members are required to attend monthly training, scheduled meetings and events. Some training and events may require travel. They are also required to maintain all issued uniforms and equipment.

Selected applicants will be required to sign a 3 year commitment of service letter. Violation of this commitment will result in the member being required to reimburse the Department for the cost of the custom Honor Guard uniform.

Cerelyn J. Davis
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1022 R-4**

HOSTAGE NEGOTIATION TEAM

Effective Date: 12/15/1995	Revision Dates: R-1 04/15/2001; R-2 09/01/2002; R-3 01/10/2005; **R-4 04/26/2013**

INTRODUCTION

The Durham Police Department will maintain a Hostage Negotiation Team that responds to hostage and barricaded subject situations and establish communication with suspects through the implementation of specialized negotiating techniques and equipment. Hostage Negotiators will be a specialized assignment in accordance with GO 1020 Specialized assignments.

The Hostage Negotiation Team is defined as a specialized unit trained in methods of non-violent defusing of potentially dangerous hostage, suicide, barricade or other situations in which a person(s) uses the threat of physical injury or death to enforce demands of any type.

RESPONSIBILITY

The Special Operations Division Commander will manage the Hostage Negotiation Team. Staffing will be sufficient to maintain 24 hour availability. The Watch Commander or Incident Commander will authorize callout of the Team by calling the Team Commander

ORGANIZATION

The Hostage Negotiation Team shall report to the SOD Commander.

The Hostage Negotiation Team shall be organized as follows:

- Team Commander
- Team Leader
- Primary negotiator
- Secondary negotiator and/or Coach/Intelligence officer

When the Hostage Negotiation Team is activated, the team commander will designate a team leader, primary and secondary negotiators. When warranted, a coach/intelligence officer may be utilized.

ELIGIBILITY

In addition to those requirements listed in GO 2014, Assignment and Transfer of Sworn Personnel, officers must meet the following criteria:

- Attainment of an overall rating of meets or exceeds expectations on the last three annual Employee Performance Appraisals immediately preceding the application deadline.
- Must receive written recommendation for placement on the team from their immediate supervisor. Supervisors in disagreement will give justification for their response. Non-concurrence of a supervisor will not remove an applicant from consideration. However, comments may be considered in the final selection of applicants.
- Must be approved by a background investigation conducted by the Professional Standards Division. This investigation will include a review of citizen complaints and any responses to aggression reports.
- Must be approved by a psychological evaluation conducted by the Psychological Services Provider as outlined in GO 2005, Psychological Services.

Should the applicant be rejected based on the background investigation or psychological evaluation, the next highest rated candidate shall be selected and evaluated.

TRAINING

Training of negotiators shall consist of the following:

- Basic and advanced training programs in the art and science of hostage negotiations.
- Newly appointed members must attend a certified basic hostage negotiator's course as soon as practicable – only trained and certified negotiators will be used to negotiate.
- Quarterly training sessions for maintaining and improving the proficiency of team members and their operations.
- Combined Hostage Negotiation Team and Selective Enforcement Team role-playing exercises as needed; but as a minimum at least one exercise annually.

ACTIVATION

The Hostage Negotiation Team may be activated by a watch commander or IC when any of the following situations have been confirmed:

- Barricaded suspect or suicidal individual who creates a threat to self or others.
- Warrant Service of a particularly violent nature that could evolve into a barricaded subject.
- Hostage situations where a person is holding one or more hostages for any reason (i.e., terrorist, mentally disturbed person, criminal with escape route blocked, etc.).
- As directed by Chief, Deputy Chief, Assistant Chief or SOD Commander.

When activation is deemed necessary personnel at the scene should make every attempt to avoid confrontation in favor of controlling and containing the situation until the arrival of trained tactical/hostage negotiation personnel.

Requests for the Hostage Negotiation Team by other law enforcement agencies in Durham County or with a MOA for assistance will be forwarded to the watch commander.

Requests for the Hostage Negotiation Team outside of Durham County must be authorized by the Chief of Police or his designee.

SPECIFIC OPERATIONS

The Hostage Negotiation Team commander will act as liaison between the negotiation team, Incident Commander and SET commander.

It is essential that constant communication be maintained between negotiators and tactical operations.

- Whenever possible, the Hostage Negotiation Team shall establish a facility that is semi-isolated or apart from the main command post but in close proximity to the tactical Command Post.
- The method of operation and negotiation strategy of the Hostage Negotiation Team will rest with the hostage team commanding officer.
- Demands made by suspects will be approved or denied by the Incident Commander. Negotiators will not have the authority to approve or deny concessions.
- The surrender process will be unique to each operation. However, certain procedures will be followed in all situations:
    - Members of the SET team or other designated tactical personnel will always accomplish the actual taking into physical custody of the suspect(s). Negotiators will <u>not</u> take any suspect into custody at the time of surrender.
    - The Hostage Negotiation Team, SET and Incident Commanders will conduct a debriefing as soon as practical following the conclusion of the incident.

INVENTORY AND MAINTENANCE OF EQUIPMENT

The Hostage Negotiator Team commander will designate a member to inspect and inventory all team specialized equipment.

The inspection/inventory will be performed once each month and after each use. The designated member will submit a written report to the Hostage Negotiation Team commander listing:

- Inventory
- Status of equipment.
- Any discrepancies.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1023 R-6**

SELECTIVE ENFORCEMENT TEAM

Effective Date: 12/15/1995	Revision Dates: R-1 03/15/1997; R-2 09/01/2002; R-3 01/06/2003; R-4 02/09/2010; R-5 11/30/2011; **R-6 04/24/2017**

INTRODUCTION

The Durham Police Department will respond to high-risk tactical situations with the Selective Enforcement Team (SET). The Selective Enforcement Team is a law enforcement team whose members are selected, trained and equipped to execute high risk law enforcement functions and respond to critical incidents that pose a threat to public safety which exceed the customary training and experience of traditional law enforcement first responders. The Selective Enforcement Team itself will be a full-time assignment, but the department will supplement staffing with a trained group of team reserves. The reserve SET will be a specialized assignment under G.O. 1020 – Specialized Assignments.

PURPOSE

The purpose of the Selective Enforcement Team is to increase the likelihood of safely resolving critical incidents by delivering a systematic approach to saving lives. The primary characteristic that distinguishes SET from other units is the focus of effort. When deployed operationally, SET is focused on incident resolution, as opposed to other functions, such as investigation. SET is comprised of officers and medics specially trained to respond to the following types of incidents: Terrorism, Hostage, Barricaded Subjects, Active Shooter/Sniper, Protective Security, High Risk Search Warrant or Arrest Warrant, High Risk Vehicle Apprehension, Surveillance, Chemical Agents, Biological Agents and/or Radiological materials (CBRN), High Risk Prisoner Transport, and other specialized, high risk incidents.

ADMINISTRATIVE RESPONSIBILITY

The SET supervisor will report to the Organized Crime Division Commander. The SET supervisor will also manage the Reserve Selective Enforcement Team.

OPERATIONAL RESPONSIBILITY

The Organized Crime Division Commander, or designee, may assume the role of the Selective Enforcement Team Commander. The SET Commander will be primarily responsible for establishing and operating a tactical operations center and coordinating with the Incident Commander at the command post.

The SET supervisor, or designee, will function as the Team Leader. The Team Leader will coordinate with the SET Commander, the on-scene Incident Commander, or with the supervisor of the unit requesting tactical support. The Team Leader will deploy with the team to the incident location. The Team Leader will be

primarily responsible for developing and executing tactical options for incident resolution. Although the Incident Commander or requesting supervisor may work with the Team Leader in developing operational objectives, the responsibility for developing and executing tactical options will rest with the Team Leader or Tactical Commander, who will brief the Incident Commander once a tactical plan has been developed.

SELECTION

Members will be selected in accordance with G.O. 2014 - Transfers and Assignments, to include the following selection criteria:

- Completion of three years of continuous service as a regular sworn officer with the Durham Police Department, calculated from the date of release by the Police Training Officer program to the date of the application deadline.
- Attainment of an overall rating of meets or exceeds expectations on the last three annual Employee Performance Appraisals immediately preceding the application deadline.
- Having a record of no disciplinary suspensions for a period of one year, calculated from the date of the disciplinary action to the date of the application deadline.
- Must live within a 25 mile radius of Police Headquarters.

Members meeting the above criteria must participate in a competitive process made up of the following stations:

- The BLET firearms daytime qualification course for the assigned duty pistol – 10%
- Firearms Combat Course designed by current team members – 10%
- A Physical Fitness Assessment based on the BLET fitness assessment but modified for SET duty – 10%
- A Physical Abilities Test based on the BLET Police Officers Physical Abilities Test (POPAT) but modified for SET duty – 10%
- A Supervisory Interview conducted by a current team member to include the areas of judgment, teamwork, communications, work ethic, and job knowledge -10%
- An Oral Board comprised of current and former team members – 50%

Each station will be weighted as indicated and tallied to compile an overall score to generate a ranked list for selection to the team.

Officers selected for assignment to the team will be required to submit to a drug screening test and a psychological evaluation as a condition of such assignment. All team members will have an annual psychological evaluation.

Officers selected for assignment to the team will be in a probationary status for a period of six (6) months from the date of selection. During the probationary period, prospective team members are subject to release from team assignment without cause and may voluntarily forfeit team assignment without cause. The probationary period may be extended beyond six (6) months by the Division Commander based on recommendation of the team leader.

ACTIVATION OF THE SELECTIVE ENFORCEMENT TEAM

The Selective Enforcement Team shall be available for activation 24 hours a day, every day of the year. SET may be activated for any Emergency or Non-Emergency Tactical Support Operation at the discretion of the OCD Commander.

Emergency Tactical Support refers to unplanned, spontaneous emergencies such as Terrorist, Hostage/Officer/Citizen Rescue, Barricaded Suspects, etc. The initial point of contact is the SET supervisor. (See Selective Enforcement Team Emergency Call Back Roster published in Power DMS.)

Non-Emergency Tactical Support refers to any pre-planned incident where the involvement of SET is reasonably anticipated to be needed such as High Risk Warrant Service, High Risk Vehicle Apprehension, or Protective Security Operations. The initial point of contact is the on-call Team Leader. (See Selective Enforcement Team Emergency Call Back Roster published in Power DMS.)

TRAINING

Newly assigned team members and supervisors must be certified according to the Selective Enforcement Team SOP 3.2: New Member Certification and Supervisor Certification before continued assignment to SET will be granted.

All SET members will complete regular training as scheduled by the SET Supervisor.

Reserve SET Members will be expected to attend as many training days as allowed by their current assignment or commander, but must be permitted to attend a required minimum of two training days per month.

EQUIPMENT AND UNIFORMS

SET will have personally assigned vehicles. They must carry and maintain all their uniform and equipment items in operational readiness in the vehicle at all times. For this reason, the security system in the vehicle must be activated whenever the vehicle is left unattended.

Reserve Selective Enforcement Team members, if they are assigned a take home vehicle for their primary assignment, will continue to use that vehicle for SET activities. If the member does not have a vehicle in their current assignment, the Organized Crime Division will provide a vehicle.

Cerelyn J. Davis
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1024 R-4**

FISCAL MANAGEMENT

Effective Date: 12/15/1995	Revision Dates: R-1 05/16/1997; R-2 10/10/2005; R-3 07/06/2015; **R-4 12/01/2015**

INTRODUCTION

The Durham Police Department has a Fiscal Services Unit which will coordinate the budgetary process, initiate purchasing, perform accounting control procedures and ensure the overall financial integrity of the department. The Department complies with all City of Durham Fiscal Policies and procedures unless approved in writing by the City Manager.

DEVELOPMENT OF DEPARTMENT BUDGET

The Department will develop and adhere to an annual budget as part of the overall City of Durham annual budget process. Each year, the Fiscal Services Unit will coordinate with the City Budget Office to draft and submit the Department's annual budget.

In accordance with the schedule composed by the City Budget Office, the Assistant Chief over the Administrative Services Bureau will notify all division/bureau commanders to submit their budgetary needs including requests for new initiatives for the next fiscal year.

The Department will then hold a budget kick-off meeting for division/bureau commanders soon after the city-wide budget meeting held in City Hall. The purpose of this meeting is to allow the Fiscal Senior Business Services Manager to discuss budget procedures, issue a budget preparation manual and appropriate budget forms. A date(s) will be specified by the Fiscal Senior Business Services Manager for the return of completed budgets to the Fiscal Services Unit.

The Fiscal Senior Business Services Manager will oversee the compilation of all budgets, review with appropriate personnel, and receive final approval from the Chief of Police prior to submission to Budget and Management Services.

MONTHLY REPORTS

Division commanders will receive from the Fiscal General Fund Business Services Manager a monthly copy of their expenditure report. The Fiscal General Fund Business Services Manager will highlight or attach a comment sheet if there is any area that notes special attention. Any discrepancies will be reported to the Fiscal Services division without delay.

DEPARTMENT PURCHASES

Departmental supplies and equipment may be purchased from the Departmental General Fund appropriation or from Grant/Special Revenue funding. All requests for purchases from the General Fund appropriation will be routed through the Fiscal General Fund Business Services Manager. All requests for purchases from Grants/Special Revenue funding will be routed through the Fiscal Grants Fund Business Services Manager. The appropriate Fiscal Business Services Manager will check to assure that the request is in accordance with the approved budget and that necessary funds are available, and will then initiate the appropriate request for the purchase according to City of Durham procurement procedures.

EMERGENCY EQUIPMENT RENTALS OR PURCHASES

During normal business hours, any emergency purchase or rental will be made only after notifying the Fiscal Senior Business Services Manager. Outside of normal business hours, the Watch Commander may approve an emergency purchase or rental not to exceed $1,000.00. For a sum greater than $1,000.00, the Watch Commander will notify their chain of command before making the purchase or rental. For any action, a receipt will be acquired and turned into the Fiscal Services Unit on the next business day.

PROCUREMENT CARDS

The individual need for a Procurement Card (P-Card) will be determined on a case by case basis by the Executive Command Staff. P-Cards are issued through the City of Durham Finance Department, and no person shall receive a card without first having completed the training required by the Finance Department. Only civilian managers and sworn personnel ranked Captain and above will be allowed to retain their P-Card. All other cards will be held by the Fiscal Accounting Specialist until needed for use. Purchases made using the P-Card are to be made in accordance with existing Citywide and Departmental policies and procedures governing the procurement of goods and services using City resources, and must be properly approved in advance. Receipts for purchases and P-Cards to be retained by the Fiscal Accounting Specialist must be returned to Fiscal Services within one business day of the purchase, or within one business day of the employee's return from travel.

PETTY CASH

Individuals within the department may make petty cash purchases, not exceeding a pre-tax amount of $25.00, after obtaining permission from the proper authority within their division, and making contact with one of the Accountants in the Fiscal Services Unit to assure that funds exist within the account. Items purchased should not include supplies normally carried by the Supply Room. The individual will make the purchase with their own funds and obtain a receipt from the vendor. The receipt will then be presented to the General Fund Business Services Manager to complete a petty cash voucher. This voucher, along with the original receipt, will be taken to the Accounting Division in City Hall by a member of the Fiscal Services Unit. All purchases will follow the guidelines set forth in City Policy FP-204 *Petty Cash*.

APPROPRIATION TRANSFERS BETWEEN ACCOUNTS

A transfer of funds between operating accounts may occur whenever excess funds exist within one account, and another account requires more funding than projected. The Fiscal Senior Business Services Manager will initiate this process, with proper justification, and submit a budget transfer request to Budget and Management Services for approval.

EMERGENCY APPROPRIATION OF OPERATING FUNDS

In the event that additional operating funds are required because of an unforeseen emergency, the Chief of Police will forward a request through the Deputy City Manager and Finance Department to the City Manager.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1025**

POLICE FLEET MANAGEMENT - RESCINDED

Effective Date: 12/15/1995	Revision Dates: R-2 02/01/2006; R-3 02/09/2010**;** Rescinded 06/10/2011

On June 10, 2011 this General Order was rescinded. The contents of this general order were relocated to G.O. 3004 – Take Home Vehicles and G.O. 3005 – *Department Vehicle Collisions*.

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1026 R-3**

DEPARTMENT FORMS

Effective Date: 12/15/1995	Revision Dates: R-1 07/25/2003; R-2 -1/10/2005; **R-308/14/2017**

INTRODUCTION

The use of forms to accurately collect and document information is a common practice within the Department. In order to maintain consistent forms and documents, this policy sets forth guidelines for the development of new forms and the modification of existing forms.

DEFINITIONS

Form: a document that prompts the recording of specific pieces of information. In addition to collecting information, the form may also be used to communicate information to individuals who receive a copy of the form.

Mass-produced Form: all forms that are printed by an outside contractor or the City of Durham print shop. Due to the cost of printing these forms, it is important that all mass-produced forms serve their intended purpose without modification by the user of the form.

DEVELOPMENT, MODIFICATION, AND APPROVAL OF FORMS

Any employee may suggest the development of a new form or the modification of existing forms through his/her chain of command. A review of existing forms should be conducted by the Accreditation Office to ensure that forms are appropriately modified and new forms do not duplicate existing forms. The Accreditation Office will coordinate the approval of forms that are required or referenced in Standard Operating Procedures or General Orders through the approval process identified in G.O. 1002 Written Directives. The Accreditation Office will also manage all forms distributed through PowerDMS.

If the change involves forms used in conjunction with the Records Management System (RMS), the Records Section, and subsequent chain-of-command, will be responsible for reviewing and approving requests for modification. The Information Technology Division is responsible for coordinating the publication and updating of forms generated directly from the RMS system.

Additions or changes to forms that are used by the entire Department and mass-produced forms must be approved by the Chief of Police or his/her designee. Additions or changes to forms that are used by only one division or district must be approved by the Division/District Commander or his/her designee.

Once the change is approved, the new form will be distributed. Division Commanders will also be responsible for annually reviewing forms used by their division to determine if they continue to meet the needs of the Department.

Forms created for the public (e.g. investigation checklists, safety tips, campaigns, etc.) will be created in conjunction with and made available through the Public Affairs Unit. Employees may suggest the development of new forms or the modification of existing forms designed to be used by the public through their chain of command. The Division Commander will forward the request to the Public Affairs Unit, who may coordinate with the employee regarding the format and appearance of the form. Forms published for use by the public must be approved by the Chief of Police or his/her designee.

Cerelyn J. Davis
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1027 R-4**

STAFF INSPECTIONS

Effective Date: 12/15/1995	Revision Dates: R-1 04/15/2001; R-2 09/01/2002; R-3 12/05/2003; **R-4 02/18/2015**

INTRODUCTION

It is the policy of the Durham Police Department to periodically evaluate the various units of the Department to determine their efficiency and adherence to Department orders, rules, and policies. The Staff Inspections Unit exists to perform these functions.

ORGANIZATION AND AUTHORIZATION

The Staff Inspections Unit is located within the Professional Standards Division.

The Staff Inspector shall be responsible for conducting staff inspections.

The Staff Inspector shall exercise no authority over Department members, nor shall he or she give orders, except in accordance with departmental general orders.

INSPECTION/AUDIT OBJECTIVES

Staff inspections and audits will be conducted with the following objectives:

- To assess how Department resources are being utilized.
- To assess uniformity of operations within the Department.
- To assess compliance with department orders, rules, policies and procedures and the discharge of command and supervisory duties and responsibilities.

INITIATION OF STAFF INSPECTIONS

Supervisors may utilize the staff inspection function to evaluate units under their command. Examples of when a Staff Inspection could be requested include a change in unit commander; prior to or following reorganization; observed low morale or any other circumstances that may be affecting the primary function and service of a division or unit. Division Commanders may request, through their chain of command that a staff inspection be conducted for units under their command. The Chief of Police may order inspections/audits at his/her discretion.

CONDUCTING INSPECTIONS

The facts reported by the Staff Inspector are derived from observations of existing conditions, examination of pertinent records, reports, personnel profile sheets and interviewing personnel.

Disguised or undercover methods of information collection shall not be employed. To alleviate the possibility of misinterpretation of motive, the Staff Inspector shall freely discuss with the responsible person any reportable matter at the time of its disclosure.

To ensure the facts reported are accurate, clear and specific, the Staff Inspector shall maintain adequate notes and summaries of observations. Copies of the inspected units' reports or records, if they are of significant importance, may be included in the report.

NOTIFICATION OF INSPECTIONS

Before any formal inspection/audit is initiated, the Staff Inspector shall notify the affected Bureau Commander and Division Commander of the time and date the inspection/audit shall begin. The notification shall contain the scope of the inspection/audit, along with any request for reports, files, or materials desired by the Staff Inspector. The notification may request a member of the affected division to act as liaison between the division and the Staff Inspector.

PRE-INSPECTION CONFERENCE

The Staff Inspector shall meet with the Commanding Officer of the Bureau, Division or District to be inspected and outline the inspection plan and inquire whether there are any specific activities to be included within the scope of the inspection/audit. A schedule of the inspection/audit shall be coordinated with the inspected unit so that it shall not unduly disrupt the unit's operation.

FORMAL INSPECTIONS

The formal inspection/audit shall encompass a review of all operations of a Bureau, Division or District. This inspection shall include all aspects of administration, personnel, equipment and facilities and shall be primarily concerned with the current operations of the Bureau, Division or District being inspected/audited.

SPECIAL INSPECTIONS

A special inspection/audit is limited in scope and designed to examine a specific function or functions of a Bureau, Division or District. An example of a need for a Special Inspection would be a problem with morale on a particular squad.

SPOT INSPECTIONS

Spot inspections/audits shall be conducted intermittently when and where conditions require. This type of inspection/audit shall also be used to re-inspect problem areas identified in formal and special inspections/audits and as a random check of the various segments of the Department to locate problem areas. Spot inspections/audits may or may not be announced before they are conducted. An example of a need for a Spot inspection/audit would be for a security problem in the area of property and evidence control.

CORRECTION OF DEFICIENCIES

District or Division commanders shall have 90 days after receiving an inspection report to correct deficiencies discovered during the inspection/audit. The District or Division commanders shall notify the Chief of Police of the corrections to any such deficiencies by memorandum. A copy of any such memorandum or other correspondence with regard to these matters shall also be sent to the Staff Inspector. If 90 days is not sufficient to correct deficiencies an extension request for can be made to the appropriate Assistant Chief. Any corrections that require a financial commitment not already accounted for in the budget must be approved by the Chief of Police.

FOLLOW-UP INSPECTIONS

Follow-up inspections/audits shall be conducted whenever there are problems encountered in initial inspections/audits that cannot be immediately corrected. They shall be done within six (6) months of the initial inspection/audit.

A report of the findings during follow-up inspections/audits shall be sent to the District/Division Commander and the Assistant Chief, as well as filed with the inspection report.

EVIDENCE AND PROPERTY INSPECTIONS

The Staff Inspections Unit shall conduct semiannual unannounced inspections of property storage areas. In addition, the Staff Inspection Unit shall conduct an annual inspection/audit of property held by the agency.

The focus of these inspections/audits is property management. The Staff Inspector shall determine if the property storage area is clean and orderly, that integrity of the property is being maintained, that property is being protected from damage or deterioration, that proper accountability procedures are being maintained in accordance with department policies, and that property having no further evidentiary value is being disposed of promptly.

The Staff Inspector and the Bureau Commander shall coordinate actual scheduling of these inspections/audits.

REPORTS

After the inspection/audit has been completed, the Staff Inspector shall prepare a written report on all aspects covered in the inspection/audit. A copy of the report shall be given to the Division Commander for review then forwarded to the Chief of Police, as well as the appropriate Bureau Commanders.

Within fifteen (15) working days after the report has been received, the affected Division Commander shall notify the Chief of Police through the Bureau Commander, by memorandum, of concurrence or non-concurrence with the inspection/audit report. The memorandum shall specify the Division Commander's reasons for concurrence or non-concurrence and contain any corrections. A copy of any such memorandum or other correspondence with regard to these matters shall also be sent to the Staff Inspector. The affected Division Commander may request an extension if necessary for response purposes. The Chief of Police shall determine final approval.

After the Division Commander responds by memorandum, the Chief of Police, Division Commander, and/or Staff Inspector may request a meeting to discuss the response.

REVIEW CONFERENCE

After consideration and review of all pertinent reports, the Chief of Police or the affected Division or Bureau Commander may request a review conference to discuss any aspect of the inspection/audit. Documentation shall be kept for one (1) year and may then be destroyed.

STAFF INSPECTION FILES

Since staff inspections may relate to performance and personnel issues, staff inspections files are generally considered administrative and confidential in nature. Access to these files is restricted to the Staff Inspector and the Chief of Police. Security of Staff Inspections files is the responsibility of the Staff Inspector.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1028 R-4**

POLYGRAPH & VOICE-STRESS ANALYSIS EXAMINATIONS

Effective Date: 12/15/1995	Revision Dates: R-1 09/01/2002; R-2 07/25/2003; R-3 02/09/2010; **R-4 05/16/2016**

INTRODUCTION

The Durham Police Department conducts truth verification examinations performed by certified officers for users both inside and outside the Department. Truth verification is performed using polygraph examinations or voice-stress analysis. For polygraph examinations, the agency will use certified internal polygraph examiners or contract polygraph services out to a qualified polygraph agency as needed. Any private polygraph operator shall only be used in this capacity if he or she is in compliance with the laws set forth in N.C.G.S. Chapter 74C and the regulations contained within the North Carolina Administrative Code (12 NCAC 07D - § .0500).

ELIGIBILITY

Only those sworn law enforcement officers that are graduates of an American Polygraph Association Approved School shall conduct polygraph examinations. Only those sworn law enforcement officers that are graduates of a Voice Stress Analysis certification program approved by the Department, shall conduct voice stress analyses.

Officers may apply for polygraph examination or voice stress analysis certification via training request forms. Selection of officers for certification will be made based on the operational needs of the Department.

TRUTH VERIFICATION EXAMINATION REQUESTS AND SCHEDULING

Requests for examinations in criminal cases by divisions of the Department shall have priority over all requests.

An investigator desiring the services of the truth verification examiner for a criminal case shall review the purpose for the examination with his or her supervisor. Supervisors will approve truth verification examinations to verify, corroborate, and/or refute statements relating to the investigation. Once approved, the investigator will contact one of the Department's certified examiners, an agency contracted with the City, or the SBI to schedule an appointment for the examination. The investigating officer is solely responsible for scheduling and coordinating the truth verification examination.

TRUTH VERIFICATION PROCEDURES FOR CRIMINAL INVESTIGATIONS

The individual to be examined should submit voluntarily. Prior to administering any examination, the examiner will have the individual complete and sign a consent waiver form. Those individuals under the age of sixteen (16) must also have a parent or guardian sign this form.

The investigating officer from the requesting division will accompany the individual to be examined to the examination, and shall remain available to the examiner throughout the examination.

The investigating officer will furnish the examiner with all pertinent information concerning the case including but not limited to: a copy of all statements, investigative reports, and other available background information necessary to conduct a valid examination.

The individual should not be interrogated immediately prior to the examination.

PRE-EMPLOYMENT EXAMINATIONS OF DEPARTMENT APPLICANTS

Requests and Scheduling

The Recruiting Division Sergeant, or designee, will schedule the pre-employment truth verification examination with one of the department's certified examiners or an agency contracted with the City. The Sergeant will then notify the applicant.

Truth Verification Examination Procedures for Pre-Employment

The Recruiting Unit will furnish the truth verification examiner with any pertinent background and application information about the subject necessary to conduct a valid examination.

The applicant will be provided with the questions to be asked prior the test.

Truth verification examinations are considered as a supplement to a background investigation. They will not be used as the single determinant of employment status.

INTERNAL AFFAIRS INVESTIGATIONS

Truth verification examinations may be used in conjunction with an internal investigation being conducted by the Professional Standards Division.

- Upon approval of the Division commander, the investigator will contact the State Bureau of Investigation or a private truth verification examiner to schedule an examination.
- The Professional Standards Division will furnish the examiner with all pertinent information concerning the case. This will include, but is not limited to: a copy of all statements, investigative reports, and other available background information necessary to conduct a valid examination.
- The Professional Standards Division will be solely responsible for scheduling and coordinating internal affairs examinations.

EXAMINATIONS FOR OTHER LAW ENFORCEMENT AGENCIES

If requested to, examiners within the Department may perform tests for other law enforcement agencies, and are permitted to use equipment belonging to the Department to perform these examinations. These requests must be routed through the CID Commander for prior approval. Under no circumstances shall the examiner conduct an examination for any person or organization other than for another law enforcement agency.

Larry C. Smith
Interim Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1029 R-1**

DEPARTMENT HONORS & FUNERALS

Effective Date: 12/15/1995	Revision Dates: **R-1 01/10/2005**

INTRODUCTION

It is the policy of the Durham Police Department to provide an appropriate level of military style ceremonial honors or representation in the event of death of members of the Durham Police Department.

Member is defined as any active or retired employee of the Durham Police Department.

Officer is defined as any sworn officer actively employed by the Durham Police Department or the Durham Police Reserves or who has retired from either organization through full honorable service or disability.

The department may provide ceremonial services as deemed appropriate by the Chief of Police.

TYPES OF HONORS/REPRESENTATION - TO WHOM EXTENDED

Full Departmental Honors - extended to actively employed officers of the Durham Police Department who are killed in the performance of the law enforcement mission, whether “on” or “off” duty at the time of the occurrence.

Limited Departmental Honors - extended in the event of death of an officer of the Durham Police Department or of another law enforcement agency upon request of the other agency and approval by both agency heads.

Departmental Representation - extended in the event of death of:

- A non-sworn member of the police department and/or the member’s immediate family as defined in PER 525, R-6;
- Civilian deaths at the discretion of the Chief of Police;
- Members of other law enforcement agencies at the discretion of the Chief of Police.

FULL DEPARTMENTAL HONORS DEFINED

The flying of flags at police facilities at half-mast from the time of death for seven calendar days.

The covering of badges over the horizontal center with black tape or mourning badge cover or the wearing of black mourning ribbon for plain clothes personnel, for seven calendar days after the death.

The posting of casket guards during family visitation/ viewing hours.

Providing active pallbearers.

Providing graveside and/or ministerial services by the Department chaplain.

Providing folding and presentation of an American flag to a designated person.

Executing a 2l-gun salute at the grave site.

Playing of Taps.

All items are upon the request and/or approval of the deceased member's family.

LIMITED DEPARTMENTAL HONORS

Limited honors consist of items three (3) through eight (8) of the above. All items are upon the request and/or approval of the deceased member's family.

DEPARTMENTAL REPRESENTATION

Representation consists of a minimum of two Honor Guard members present at an appropriate location while funeral ceremonies are conducted.

PROVIDING SERVICES AT FUNERALS OUTSIDE THE CITY

Time and travel commitments for Honor Guard Representation are contingent upon available staff and/or resources as decided by the Chief of Police.

General guidelines are as follows:

Full and Limited Departmental Honors may be provided within an approximate 50 mile radius by a Full Honor Guard complement. Over 50 miles and up to a l00 mile radius may be provided by a traveling component of approximately eight members.

Departmental Representation may be provided by 2, or up to 4, Honor Guard members for line of duty deaths within a l00 mile radius. Non-sworn members and immediate family may receive a minimum of two Honor Guard representatives within a radius of approximately l00 miles without a prior request.

POLICE VEHICLES

Marked police vehicles will be used for each service when appropriate.

DEPARTMENT MEMBERS IN ATTENDANCE

Other members attending funerals representing the Department will wear the full uniform of the day.

If the deceased was an active sworn member of the Department a piece of black tape shall be worn over the badge of uniformed members. The tape shall be centered and laterally cross the badge face. For officers not in uniform, a piece of black ribbon shall be worn on the left lapel.

TRAFFIC CONTROL POSTS

Officers assigned to traffic control posts along the processional route for a member, as defined in this General Order, shall come to attention and administer a hand salute upon the approach of the hearse and hold the salute until the last family car has passed his or her post. Officers shall then assume the position of parade rest until the last of the procession has passed.

Steven W. Chalmers
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1030**

CITIZENS CRIME WATCH & REPORT GROUPS - RESCINDED

Effective Date: 12/15/1995	Revision Dates**: Rescinded 09/01/2002**

On September 1, 2002 this General Order was rescinded.

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1031**

POLICE FLEET MANAGEMENT - RESCINDED

Effective Date: 12/15/1995	Revision Dates: R-2 02/01/2006; R-3 02/09/2010; **Rescinded 06/10/2011**

On June 10, 2011 this General Order was rescinded. The contents of this general order were relocated to G.O. 3004 – Take Home Vehicles and G.O. 3005 – *Department Vehicle Collisions*.

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1032 R-2**

VICTIM/WITNESS ASSISTANCE - HOIST

Effective Date: 12/15/1995	Revision Dates: R-1 12/05/2003; **R-2 03/07/2007**

INTRODUCTION

The Victim/Witness Assistance – Hispanic Outreach Intervention Strategy Team (HOIST) was developed in support of N.C.G.S. § 15A-825, "Treatment Due Victims and Witnesses". All departmental employees have an obligation to ensure that victims and witnesses are treated with fairness, dignity, and compassion.

PROGRAM SUMMARY

The Victim/Witness Assistance - HOIST program provides confidential services to victims and witnesses of violent crimes on a 24-hour basis through referral to other agencies in the service area, providing general assistance with criminal justice system procedures, providing current information on case status, serving as an advocate, and providing other individual services as needed to augment those services already provided by other agencies. In addition to direct services, the program will sponsor information and training within and outside the department.

24-HOUR VICTIM/WITNESS CONTACT TELEPHONE NUMBER

The Victim/Witness Assistance - HOIST unit's phone number will be the single source of contact for the program. Services will be available 24-hours per day at 560-4404. The Victim/Witness Administrator will be available during normal business hours. Outside normal business hours, the phone will be covered by an answering machine with reference to the desk officer or 911 for victims/witnesses with immediate or emergency needs. Both the desk and 911 will be provided with a notebook of referral information.

VICTIM/WITNESS SERVICES - HOIST UNIT PRIORITIES

Unit priorities are to provide Victim/Witnesses Services to clients, across the board, within the Durham Police Department jurisdiction. Equal services are provided to the Hispanic/Latino community via HOIST. The unit also disseminates Crime Prevention data to ensure public safety by reducing or eliminating crime and victimization against the public.

Victim/Witness Services may vary on a case-by-case basis. Services should incorporate any or all of the following, when possible:

- Criminal Justice Support - Legal Referrals; Information on Case/Investigation Status; and/or Explanation of Criminal Justice System and Procedures

- Emotional Support and Referral - Understanding Victimization; Trauma Reduction (c. Stabilization); Crisis Intervention (ex: DCRC, Family Counseling Services, Catholic Charities, Private Practice); Follow-up and Monitoring; Personal Safety Plan (ex: Domestic Violence Unit; DCRC; Crime Prevention Unit); Personal Advocacy (ex: Local, State and National Resources)
- General Assistance or Referrals - Community Resources (ex: Local, State and National Agencies); Housing/Safe Shelter (ex: DCRC; Urban Ministries); Physical Necessities (ex: Food Bank, Clothing Pantries, Churches, Donations as available); Temporary Protective Orders/Bond Orders (ex: Domestic Violence Unit; DCRC)
- Crime Victim's Compensation - Compensation Assistance (NC Crime Victim's Compensation Commission Application); Criminal Medical Expenses (ex: NC Crime Victim's Compensation Commission; LATCH); Miscellaneous Medical Expenses (ex: Pro Bono when available)

RESPONSIBILITY OF EMPLOYEES

All personnel will be responsible for responding to victims/ witnesses in a fair, compassionate, and sensitive manner consistent with the provisions of the North Carolina Fair Treatment for Victims and Witnesses Act. Employees are responsible for periodically reviewing the materials provided by the Victim/Witness Assistance Administrator; for attending scheduled training; and for referring victims/witnesses to 560-4404 as appropriate.

The initial investigating officer should inform the victims/ witnesses that medical, victim compensation and other social services assistance are available and provide the victim/witness with the number of the Victims Assistance Law Enforcement Liaison in cases of domestic violence or the Victim/Witness Assistance H.O.I.S.T. sergeant in cases of other violent crimes.

Everyone in the department is obligated to provide appropriate assistance when victims or witnesses are threatened. Victim/witnesses should be directed to phone 911 if they feel they are in immediate danger from a suspect or the suspect's associates, and an officer should be dispatched. Victims/witnesses should be directed to contact the follow-up investigator if they feel they are being harassed.

Steven W. Chalmers

Steven W. Chalmers
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1033**

RELATIONSHIPS WITH OTHER AGENCIES – LIAISONS & REFERRALS - RESCINDED

Effective Date: 12/15/1995	Revision Dates: R-1 01/10/2005; Rescinded 08/14/2017

This General Order was rescinded on August 14, 2017.

Cerelyn J. Davis
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1034 R-2**

STUDENT INTERN PROGRAM

Effective Date: 12/15/1995	Revision Dates: R-1 01/10/2005; **R-2 07/08/2013**

INTRODUCTION

The Durham Police Department sponsors a Student Intern Program for undergraduate and graduate students who have an interest in law enforcement. The goal of the program is to provide a structured program that will present a practical look at a municipal law enforcement agency.

The Volunteer Coordinator will be responsible for the Student Intern Program and ensuring compliance with the procedures outlined within this general order.

APPLICATION REQUIREMENTS

Applicants must have completed at least one full year of college (minimum of 30 semester hours) and obtained status as a college sophomore, junior, senior or graduate student and in good standing academically.

Applicants must be currently enrolled in an accredited two-year, four-year or post graduate college or university program in a Criminal Justice or Forensic Science related field of study.

APPLICATION PROCEDURES

Upon request, prospective applicants will be given a City of Durham employment application.

Applicants will be informed that they must provide recommendation(s) from their college or university and undergo the background investigation required of all police employees.

Applicants will also be required to comply with a confidentiality agreement upon acceptance to the Student Intern Program.

SELECTION OF APPLICANTS

The Volunteer Coordinator will review the application materials of those applicants who pass their background investigation and recommend those best qualified to the Chief of Police.

All applicants will be notified by letter of the results of their application, with a copy sent to their student course advisor at their college or university. Successful candidates will be notified when and where to report for their internship.

The Volunteer Coordinator will provide the student intern with a copy of internship regulations and give a short orientation to the program on the first day of the internship. Performance standards evaluation will be discussed with the intern. The performance standards will be general in nature, and the same standards will be utilized for all interns.

INTERNSHIP REGULATIONS

Student interns will receive no compensation from the Durham Police Department or the City of Durham.

The duration of student internships will meet the minimum requirements of the educational institution of the intern, generally no longer than four months.

The department reserves the right to terminate internships at any time. Students will be notified of the termination in writing by the Volunteer Coordinator.

Interns will wear apparel appropriate for working in an office unless otherwise directed by the Volunteer Coordinator.

Interns will spend time in as many different divisions and units as possible during their internship. Division heads should attempt to give as broad an overview as possible of the work performed in their division. Interns should perform tasks of short duration that do not require extensive training.

STUDENT INTERN RECORDS

Interns will maintain a log of all their activities.

At the end of each bi-weekly training period, interns will submit a detailed report to the Volunteer Coordinator outlining their experiences and observations.

At the conclusion of the internship, the intern will submit a typewritten report to the Volunteer Coordinator that summarizes the entire training period.

EVALUATION OF STUDENT INTERNS

The Volunteer Coordinator will evaluate student interns at the end of their internship period using a form sent by the college or university of the intern and/or the City of Durham Performance Appraisal form.

Copies of the evaluation will be sent to the college or university.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1035 R-3**

CRIMINAL JUSTICE DIVERSION PROGRAMS

Effective Date: 12/15/1995	Revision Dates: R-1 12/05/2003; R-2 01/06/2015; **R-3 11/07/2016**

INTRODUCTION

In an effort to address and reduce misdemeanor recidivism and to prevent the escalation of criminal behavior, the Durham Police Department will use appropriate diversion programs in its mission to combat crime in the City. There is a need for implementing programs that have demonstrated their value in identifying and controlling specific problems. The Department will engage with community and criminal justice partners to refer eligible candidates to appropriate social services.

DIVERSION PROGRAMS

Misdemeanor Diversion Program

The Durham County Court System, District Attorney's Office and law enforcement officials have implemented a Misdemeanor Diversion Program for eligible 16 - 21 year olds, who have no previous criminal charges. With the exception of firearms offenses, sex offenses and traffic matters, 16-21 year olds who committed a misdemeanor offense and have no prior adult arrests are eligible for this program. Officers are required to initiate the referral process on all individuals who are eligible for the program.

A program coordinator from the Criminal Justice Resource Center will be responsible for processing referrals and conducting follow-ups. Once an officer has established the individuals' eligibility and probable cause, instead of issuing a citation or affecting an arrest, an Incident Report will be completed. The referral letter will be completed and submitted to the program coordinator. The officer will give the offender informational paperwork regarding the program and instruct them to contact the program coordinator within the next 48 hours. The officer will print out the detailed IR and referral form and submit the hard copies to their Lieutenant who will in turn, forward them to the program coordinator.

Drug Market Intervention

On an as needed basis, the Special Operations Division will conduct operations that target open air drug markets. During these operations, suspects of drug offenses with no or minimal criminal histories may be considered for intervention. In lieu of arrest, these subjects will be referred to Project Safe Neighborhoods or social services on a case by case basis.

Crisis Intervention Team

The Department has specially trained sworn officers who are designated to handle situations involving persons mentally incapacitated by crisis and their families. These officers should be called when an arrest may not be appropriate and the individual appears to need long term community service assistance. For specific procedures regarding the Crisis Intervention Team see G.O. 4007 *Response to Individuals with Mental Illness.*

Cerelyn J. Davis
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1036 R-2**

CONFIDENTIAL INFORMANTS

Effective Date: 12/15/1995	Revision Dates: R-1 05/01/1996; **R-2 01/10/2005**

INTRODUCTION

It is the policy of the Durham Police Department to cultivate the use of individuals wishing to cooperate in the furtherance of law enforcement functions. It is also the policy of the Durham Police Department to carefully control the nature, manner and means in which these individuals are utilized.

PROCEDURE

Procedures governing the use of, documentation required, and payment to informants will be contained in the SOP Handbooks for Organized Crime and Criminal Investigation Divisions.

Personnel requiring funds for vice and narcotics related activities will obtain these funds from the Organized Crime Division. Personnel requiring funds for other criminal activities will obtain these funds from the Criminal Investigation Division. The SOP's governing these Divisions will be followed by all personnel receiving funds.

The District/Division Commander of the personnel requesting the funds will contact the Division Commander of either the Organized Crime Division or the Criminal Investigation Division, depending on the offense involved, and will make the request and will provide details of the purpose. The OCD or CID Commander is authorized to either authorize or deny the request.

The requesting Division/District Commander will notify the requesting personnel of the location to receive the funds.

DOCUMENTATION

All individuals meeting the definition of or being used in the capacity of a Confidential Informant (CI) will be documented.

INFORMANT FILES

All informant files will be considered highly confidential and be kept under lock and key by the respective Division Commander in master files based on the type of information the CI normally offers. No information is to be released from these files concerning a CI without the expressed approval of the Division Commander. Access to information should be thought of as an organizational resource and not as an individual resource.

USE OF CONFIDENTIAL INFORMANTS

No informant will be used in any capacity until final approval by the OCD and/or CID Commanders has been given as the result of a review of the complete informant file. Such approval will be documented in the file by memorandum.

No person under the age of 18 years of age will be used as an informant in any capacity without the written consent of the person's parents or guardian and the expressed approval of the Division/District Commander. The use of such persons will be approved only in the most unusual of circumstances and then only after full discussion of the case with the District Attorney's office and the Department's Legal Advisor.

No individuals on parole, probation, community release or any other supervised or unsupervised program will be used without the full knowledge and consent of the person or agency maintaining jurisdiction over the individual.

ARREST OF INFORMANT

Informants for Criminal Investigations or Organized Crime

When officers assigned to CID or OCD learn that one of their confidential informants has been arrested by an officer of this Department on a warrant and the complainant is an officer of this Department, or when the informant has received a citation from an officer of this Department, that officer must seek verbal authorization from their Division Commander before attempting to have the charges adjusted or negotiated.

The Division Commander shall grant verbal authorization only when it can be shown that such assistance to the informant is in the best interest of justice and the citizens of this City, and that the informant will provide information sufficient for the issuance of a warrant prior to the adjustment or negotiation of any charges.

Once Investigators receive verbal permission from the Division Commander, they shall inform the District Attorney or one of his assistants of their desire to have the charges adjusted or negotiated. Under no circumstances shall the court dates of the informant be changed from the arresting or charging officer's court dates unless the arresting or charging officer agrees.

Unless special circumstances exist, a supervisor in the Criminal Investigative Division shall notify the uniformed officer that a disposition is being negotiated.

Informants for Uniform Patrol Bureau

When officers assigned to the Uniform Patrol Bureau learn that one of their confidential informants has been arrested by an officer of this Department on a warrant and the complainant is an officer of this Department, officers seeking assistance for their informants must seek verbal authorization from their District Commander before attempting to have the charges adjusted or negotiated.

The District Commander shall grant verbal authorization only when it can be shown that such assistance to the informant is in the best interest of justice and the citizens of this City, and that the informant will provide information sufficient for the issuance of a warrant prior to the adjustment or negotiation of any charges.

Once officers have verbal permission from their District Commander, they shall inform the District Attorney or one of his assistants of their desire to have the charges adjusted or negotiated. Under no circumstances shall the court dates of the informant be changed unless the arresting officer agrees.

USE OF INFORMANT AS SPECIAL OPERATIVE

The use of informants as operatives actually purchasing or otherwise involved in transactions concerning drugs or other contraband is to be resorted to only when the use of an officer for such a purpose is impossible or impracticable. Refer to the Organized Crime Division SOP Manual for specific requirements.

OTHER OPERATIVES

On rare occasions, circumstances may require individuals other than those defined as informants to be used in an operative capacity.

All actions necessary for the protection of the individual, the case's integrity and the department will be taken as in the case of an informant operative with the exception of the informant package and the background information check. No such use of an individual will be accomplished without the knowledge and approval of the Division/District Commander.

Steven W. Chalmers

Steven W. Chalmers
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1037 R-1**

PORTABLE TWO-WAY RADIOS

Effective Date: 12/15/1995	Revision Dates: **R-1 01/10/2005**

INTRODUCTION

The Durham Police Department has a 800 Megahertz Trunked Radio System that is described in Attachment 1 to this General Order.

The Durham Police Department is committed to providing its members with portable two-way radios in good working order. In order to do this, the following guidelines have been established.

ASSIGNMENT OF PORTABLE RADIOS

All portable radios will be assigned to individual department members. Each portable radio must be signed for by the member responsible for the radio. He or she will be held accountable for it until such time as the radio or member is reassigned. See GO 3005, Equipment Inventory.

Members who are assigned portable radios will be held individually accountable. Members who misplace, misuse, or abuse portable radios will be held financially accountable.

REPAIR OF PORTABLE RADIOS

When Communications Maintenance is open, portable radios needing repair will be taken there directly. The Radio Technicians will perform on-the-spot repairs, whenever practical, in order to keep down-time to a minimum. In the event that the radio cannot be repaired on the spot, the Radio Technician will keep it and give the member another radio on “loan.” All radios left for repair and received on loan MUST be signed for on the proper forms. Upon completion of repair to the portable radio, the member will be notified to return the “loaner” radio and pick up their regular radio.

When Communications Maintenance is closed, there is an Electronics Technician on call through the Communications Center who will respond to repair or temporarily replace portable radios as needed.

Anytime there is the possibility that water or any other liquid may have entered the radio case, the radio should be turned off immediately and the battery removed. The radio should be transported immediately to Communications Maintenance for inspection and drying. If this occurs during a time Communications Maintenance is closed, the Communications Center should be notified by means other than the wet radio to have the on-call technician respond.

BATTERIES

Replacement batteries will only be issued by Communications Maintenance and only upon receipt of the old battery.

Steven W. Chalmers
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1038 R-1**

USE OF TRAINING CLASSROOMS

Effective Date: 12/15/1995	Revision Dates: **R-1 01/10/2005**

INTRODUCTION

The Durham Police Department is committed to providing the best training environment conducive to learning for all personnel. To protect departmental property and to provide the necessary access, the Training Division will enforce the classroom rules and classroom access outlined in this general order.

RESPONSIBILITY FOR TRAINING ACADEMY CLASSROOMS

Responsibility for the use and care of the Training Academy Classrooms rests with the Training Director. The Training Director will ensure that all those who use Training facilities will have access to this General Order and to General Order 4039, Police Department Facility Security.

ACCESS TO TRAINING ACADEMY CLASSROOMS

Training Academy classrooms may be utilized by the following groups or individuals as approved in advance by the Training Director:

- Police personnel for training or other activities;
- City employees for training, presentations, or other activities during normal business hours;
- Other law enforcement or governmental agencies for training purposes;
- Civic or community groups for training, presentations or other activities at the discretion of the Training Director.

CLASSROOM RESERVATIONS

Classrooms are reserved in the order of request based on availability. The Training Director may change or re-schedule classroom use based on Training Academy requirements.

SECURITY

The individual or group who reserves the classroom is responsible for ensuring the classroom is in good condition, lights have been turned off and, when using the facilities outside normal business hours, that all doors are locked and the area is secure before leaving the area. This includes checking in and out of the building with the Desk Officer and adhering to all guidelines in GO 4039.

RULES REGARDING CLASSROOM USE

When using the Training Academy classrooms, the following rules shall apply:

- No smoking or use of tobacco products of any kind is allowed.
- No chewing gum or candy is allowed to at any time.
- No eating, except when special arrangements have been made in advance with the Training Director.
- Beverages may be consumed at the discretion of the instructor, provided that no equipment that may be harmed by the beverages is in use.
- Responsibility for care and cleanup of the classroom and related training aids or materials lies with those using the facilities.
- During business hours, those using the Training Academy facilities should avoid unnecessary noise or distractions which would hinder business operations.
- When taking breaks, those using Training Academy facilities should leave the division and use designated break areas.
- A telephone is located in the Training Academy hallway for any necessary outgoing calls. No other division telephones are available. No long distance calls may be made without the permission of the Training Director or designee.
- Offices, desks, telephones, resources, and supplies of divisional personnel should not be used.

Steven W. Chalmers

Steven W. Chalmers
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1039 R-2**

DEPARTMENT RADIO IDENTIFIERS

Effective Date: 12/15/1995	Revision Dates: R-1 07/25/2003; **R-2 04/28/2004**

INTRODUCTION

The Durham Police Department will use a uniform list of radio identifiers for all intradepartmental radio traffic and as an identifier for call assignment. Personnel assigned to units outside of Uniform Patrol will have individual radio identifiers assigned to them. The Uniform Patrol Bureau identifiers will be assigned to patrol areas and used by the on-duty patrol officer. Off-duty personnel without personally assigned radio identifiers who need to use the radio will use their four digit City personnel number.

PROCEDURE

The Chief of Police, or his designee, will review any recommended changes in radio identifiers used by this Department. After receiving a recommendation from the Department of the need to add new or change existing radio identifiers, the Communications Manager will be requested to review the request for potential technical, logistical, and/or any other problems that would affect the implementation of the department's recommendation. If a problem is identified, the individual submitting the recommendation will be notified of the problem. The Communication Manager and the individual requesting the modification will then work out an amicable resolution.

When assigning radio identifiers, careful consideration to unit name and rank of the officers shall be observed. Assignments will be reviewed regularly to ensure uniformity and logical sequencing.

Steven W. Chalmers

Steven W. Chalmers
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1040**

USE OF WEIGHT ROOM FACILITIES - RESCINDED

Effective Date: 12/15/1995	Revision Dates: R-1 01/10/2005; **Rescinded 08/14/2017**

This General Order was rescinded on August 14, 2017. Its contents were incorporated into G.O. 2022 – *Wellness Program.*

Cerelyn J. Davis
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1041**

SMOKING PROHIBITION AT POLICE FACILITIES - RESCINDED

Effective Date: 01/01/1996	Revision Dates: R-1 01/10/2005; **Rescinded 11/27/2006**

On November 27, 2006 this General Order was rescinded. It was made obsolete by the City of Durham policy HRM 720.

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1042**

DAILY ROSTERS - RESCINDED

Effective Date: 05/01/1996	Revision Dates: R-1 04/15/2001; R-2 01/10/2005; **Rescinded 04/13/2007**

On April 13, 2007 this General Order was rescinded.

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1043**

UNASSIGNED G.O. NUMBER

Effective Date:	Revision Dates:

Unassigned

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1044 R-2**

POLICE EXPLORER ADVISORS

Effective Date: 05/30/1997	Revision Dates: R-1 09/01/2002; **R-2 01/10/2005**

INTRODUCTION

The Durham Police Department sponsors Police Explorer Post 357. The Explorer program is part of the Learning for Life organization, which is affiliated with the Boy Scouts of America. Members of the Department who have an interest in this program, and meet the eligibility requirements listed below, may apply to become an Advisor in accordance with General Order 1020. These Advisors provide guidance, leadership skills and training in various aspects of law enforcement and group activities.

ELIGIBILITY REQUIREMENTS

Volunteers interested in applying for the position of Police Explorer Advisor need to:

- Contact the Chief Explorer Advisor for details of the program;
- Complete an application from the Exploring program;
- Have been released from the F.T.O. program for twenty-four (24) months;
- Have received an overall rating of meets expectations or exceeds expectations on his or her most recent Employee Performance Appraisal. Explorer Advisors will be expected to maintain a meets expectations or exceeds expectations throughout their tenure with the Post in order to remain an active participant in the program;
- Have no disciplinary suspensions for a period of one (1) year from the date of the disciplinary action to the application date. Explorer Advisors must resign their position with the Post for a period of at least one (1) year in the event they receive any sustained disciplinary suspensions.

Members selected to be Police Explorer Advisors will be provided a manual outlining the Post Rules and Regulations, as approved by the Learning for Life organization, and a copy of any Departmental General Orders, SOPs, or other written directives that pertain to the Explorer Post.

Steven W. Chalmers
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1045**

CRITICAL INCIDENT RESPONSE TEAM - RESCINDED

Effective Date: 04/15/2001	Revision Dates: R-1 01/10/2005; **Rescinded 04/15/2001**

On April 13, 2007 this general order was rescinded.

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1046 R-3**

USE OF DEPARTMENT COMPUTERS & OTHER TECHNOLOGY RESOURCES

Effective Date: 04/15/2001	Revision Dates: R-1 09/01/2002; R-2 12/05/2003; **R-3 10/12/2015**

INTRODUCTION

Computers and other technological devices are essential to the function of the Department. As such, all personnel have a responsibility to use these resources responsibly and in accordance with all City and Department policies and standards. All Police Department computers and related devices are the property of the City of Durham. The use of computers, email, internet, and other technologies are governed by the policies contained herein as well as other City of Durham policies including but not necessarily limited to ITP-1 *Use of Information Technology Resources and,* ITP-4 *Information Technology Security Policy.*

DEFINITIONS

AirCard – The piece of hardware that allows data communications to take place over cellular networks between mobile computers, the Internet, and other Durham Police Department systems. These may be internal devices, USB modems, or Mifi (mobile Wifi) access points.

City computer – Any computer owned by the City of Durham, including desktop and notebook computers, tablets and other devices. This specifically includes Mobile Data Computers (MDCs).

CAD – Computer Aided Dispatch system administered by the Emergency Communications Center

RMS – Records Management System administered by the Police Department's Information Technology (IT) Division

DCI - The North Carolina State Bureau of Investigation's Division of Criminal Information.

EIS – The Durham Police Department IT Division's Emergency Information Systems Unit.

PTO – Police Training Officer, as defined in General Order 2012.

MDC – Mobile Data Computer. Mobile Data Computers are semi-rugged laptop computers that are either assigned to an individual member of the Durham Police Department or are assigned to a Uniform Patrol Bureau vehicle.

Visual MCT – Mobile Computing Technology software. This application interfaces with the Emergency Communication Center's CAD system and the PD's RMS. It is used on Durham Police Department MDC's and

other computers to receive dispatched calls for police service, query both DCI and RMS, file reports from the field, and communicate between MDC units.

TAC – Terminal Agency Coordinator. This is the person in the DCI/Warrant Control Office who is responsible for any dealings between the Durham Police Department and DCI.

TID – Terminal Identifier. This is the unique identifier issued by DCI to each MDT or DCI terminal on the DCI system.

COMPUTER USE

Before using any City computer, all Department members shall agree to and sign the *Durham Police Department Computer Use Policy User Acknowledgement* form (Attachment 1). Subsequent revisions will be reviewed and acknowledged electronically. Specific guidelines set forth in the Attachment 1 of this General Order dictate the use of City computers.

Before using any DCI services, all Department members shall agree to and sign the *Specialized DCI Application Policy User Acknowledgement* form (Attachment 2). Specific guidelines set forth in Attachment 2 of this General Order dictate the use of DCI applications.

These agreements shall be construed as indicating that the members who signed them understand and agree to abide by the City computer conditions described above and in the attachments to this General Order. These guidelines shall be adhered to at all times by all Department members who use any City computer. Violation of these conditions may result in disciplinary action.

The Employee Services Unit will coordinate the signing, distribution, and retention of these forms as part of the new employee on-boarding process. Update versions will be distributed appropriate personnel electronically.

No repairs or modifications, either to the hardware or software of any City computer, are to be made by any person except for EIS personnel or persons specifically authorized to do so by EIS. Malfunctioning City computers are to be brought to the attention of EIS personnel as soon as possible for repair.

ASSIGNMENT AND DISTRIBUTION

Desktop computers are assigned to members who work in a designated office space. EIS is responsible for the initial configuration and setup of the computer and will place such limits as they deem necessary regarding modifications to the desktop configuration based on the needs of the position. Depending on the member's responsibilities and need, a laptop may also be assigned in addition to, or in place of a desktop. MDCs are assigned to all front-line patrol and HEAT vehicles as well as other designated vehicles and/or personnel as approved by Executive Command Staff. Any expansions of MDC distribution must have identified funding and be approved by Executive Command Staff.

PC AND NETWORK SECURITY

To prevent unauthorized access to City computers and the City of Durham network and in compliance with City of Durham ITP-4-1, users should not leave their computers logged on and unattended for more than 10 minutes without use of a password protected screen saver.

MDC users should log out of all accounts, including NetMotion and A/V systems (ICC/BWC) at the end of shift.

MAINTENANCE NOTICES

Both the City of Durham and Durham Police Department will issue notices when there is maintenance scheduled on servers or network devices which will result in planned loss of availability. To avoid data loss and duplication of effort, employees must pay close attention to these notices and assure that they save their work and sign out of affected systems prior to announced downtimes.

HELPDESK

Employees experiencing system problems with any computer equipment will notify the Durham Police Helpdesk either via telephone (919-560-1350) or email (pdhelpdesk@durhamnc.gov). When leaving a message or sending email, user should provide a detailed description of the issue as well as any solutions already attempted (i.e. restarted application, rebooted computer, etc.).

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1047 R-3**

PATROL SHARPSHOOTER

Effective Date: 04/15/2002	Revision Dates: R-1 01/10/2005; R-2 01/09/2009; **R-3 02/20/2017**

INTRODUCTION

The mission of the patrol sharpshooter is to provide Uniform Patrol with an additional resource when responding to situations involving heavily armed and dangerous suspects.

DEFINITIONS

Patrol Sharpshooter: A sworn officer below the rank of Sergeant who is qualified to and who has been issued a patrol rifle by the Durham Police Department. These officers will be volunteers who have successfully completed the patrol rifle training program presented by the Durham Police Department.

Patrol Rifle: A carbine style semi-automatic rifle (specification found in the Approved Weapons & Ammunition attachment) owned by the Durham Police Department.

PROGRAM ADMINISTRATION

The Chief of Police will appoint a patrol sharpshooter from within the team to supervise the program. He or she will be responsible for the administrative management of the team, the inventory and inspection of the equipment, training of the team, and the annual written evaluation of the program.

ELIGIBILITY AND SELECTION OF PATROL SHARPSHOOTER

Patrol sharpshooters will be selected in accordance with G.O. 1020 *Specialized Assignment* to include the following eligibility requirements:

- Current or imminent assignment to Uniform Patrol; and
- Holds the rank of Police Officer, Senior Patrol Officer or Corporal; and
- Completion of one year of continues service as a sworn officer with the Durham Police Department, following the full release from the Police Training Officer Program by the application deadline date; and
- Attainment of an overall rating of “meets expectations” or “exceeds expectations” on their last two annual Employee Performance Appraisals immediately preceding the application deadline (If continuous service time is not long enough for two evaluations to have occurred then they must have a meets or exceeds expectation on their previous evaluation); and

- No record of any disciplinary suspension for a period of one year from the date of the disciplinary action to the application deadline; and

- Submission of a favorable recommendation by the applicant's immediate supervisor and District Commander; and

- Successful completion of the patrol sharpshooter training program presented by the Durham Police Department with a score of 90% or better.

SERVICE AS A PATROL SHARPSHOOTER

Patrol sharpshooters will have their patrol rifles immediately available to respond to individuals who may be wearing body armor that prevents bullet penetration by standard available patrol weapons, or need to be engaged from a distance that exceeds the range of such weapons. In the event that a patrol sharpshooter is transferred outside of the District Patrol Operations, he or she may no longer serve as a patrol sharpshooter. On his or her last weekday of day shift, the patrol rifle and all ancillary equipment will be turned into the Armorer.

Personnel who had been patrol sharpshooters previously may regain their patrol sharpshooter status based upon the needs of the Department and the approval of the Operations Bureau Commander. These individuals must re-qualify with the patrol rifle.

Under no circumstances may any officer obtain a rifle and carry it on- duty if he or she is not currently certified as a patrol sharpshooter or is not otherwise authorized (i.e. S.E.T.).

ISSUANCE AND CARE OF PATROL RIFLE

Upon completion of the patrol rifle training program, the officer will be issued a patrol rifle designated and approved by the program coordinator along with a case and a lock. Patrol sharpshooters will be personally responsible for this equipment.

The patrol rifle must be thoroughly inspected by the patrol sharpshooter prior to each tour of duty. In the event that a patrol sharpshooter goes on an extended leave of absence, he or she will be expected to perform such inspections during this period.

Patrol sharpshooters will be expected to properly clean and maintain their patrol rifles, regardless of whether it is actually fired. A rifle will never be carried on-duty that has had a round fired through it and then not been thoroughly cleaned and properly lubricated.

Patrol sharpshooters will keep a logbook for their patrol rifle. This log will include the number of rounds fired, all maintenance performed on the rifle, and such other information as may be required by the program supervisor. This log will be kept in the case with the rifle at all times.

CARRYING AND STORAGE OF PATROL RIFLE

When the patrol sharpshooter is on-duty, the patrol rifle will be stored in the trunk of the patrol vehicle inside its case. The patrol rifle will have the bolt closed with an empty chamber, the safety on, and a full magazine in the weapon**.**

While off-duty, the patrol sharpshooter will be held to the same standard of safety in storing the patrol rifle as any other Department weapon. A patrol rifle should not be secured anywhere the patrol sharpshooter would feel uncomfortable storing his or her duty weapon.

DISCHARGING THE PATROL RIFLE

When a patrol sharpshooter has discharged his or her patrol rifle, the officer's function will be limited solely to the handling of the rifle. Handling the rifle safely will require both hands on the rifle. Thus, a patrol sharpshooter should not undertake duties such as searching or handcuffing a suspect until the weapon is re-secured as directed above.

The patrol sharpshooter will use the same discretion regarding the discharge of their patrol rifles as he or she currently uses with the duty weapon.

QUARTERLY TRAINING SESSIONS

Patrol sharpshooters will be required to attend quarterly training sessions. These sessions will include at minimum, qualifying with their patrol rifles, classroom training, addressing the employment of a rifle in an urban environment, and an inspection of the rifle and logbook.

Failure to attend training may result in removal from the program. Emergency absences may be approved by the program supervisor.

AMMUNITION

Only ammunition issued by the Durham Police Department is to be fired in the patrol rifle.

REVOCATION OF PRIVILEGES

The assignment as patrol sharpshooter is a privilege and may be revoked at the discretion of either the officer's District Commander or the Training Division Commander at any time for any reason.

Cerelyn J. Davis
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1048 R-1**

LAW ENFORCEMENT CHOIR

Effective Date: 09/01/2002	Revision Dates: **R-1 01/10/2005**

INTRODUCTION

The Durham Law Enforcement Choir may perform at formal functions pertaining to law enforcement. Such functions would include (but are not limited to) local, state and national law enforcement memorial services, law enforcement funerals, and military memorial services. To enhance the Department's public relations with citizens of Durham and North Carolina, the choir would also be available to sing for approved civilian functions upon request. Approval must come either through the Executive Command Staff or the Operations Bureau Commander of the Durham Police Department.

DEFINITIONS

Rehearsals: Scheduled practice sessions prior to performances.

Performances: Any event at which the choir is scheduled to perform.

MEMBERSHIP AND ELIGIBILITY REQUIREMENTS

The Durham Law Enforcement Choir is classified as a special assignment as per General Order 1020, and is currently attached to the Operations Bureau. It will consist of no more than twenty-five (25) members, including the choir director.

The choir may consist of sworn and retired Durham Police officers as well as non-sworn Department personnel. Membership may also be extended to individuals outside of the Durham Police Department, but such membership must first receive prior majority approval from the current choir members and shall not exceed the number of Durham Police Department members.

Memorandums will be issued advertising openings in the choir. Non-sworn employees must have successfully completed their probationary training period and Durham Police Officers may not apply for any vacancy until at least twenty-four (24) months from the date of release from the F.T.O. program, as per General Order 1020.

Any choir member who is currently on administrative leave or on a suspended work status will have his or her membership suspended pending a return to normal duty.

CHOIR DIRECTOR

The choir director will be recommended by majority vote of the current choir members. The Operations Bureau Commander must approve the selection. The director may be removed from the position following his/her failure to maintain the responsibilities and duties of the position. If the director fails to step down after being so urged, the members may forward the matter to the Operations Bureau Commander for review and/or action. The director will appoint a designee, in the event the director is not available for a performance and/or a scheduled rehearsal.

The duties and responsibilities of the choir director include:

- Establishing a set time and location for choir rehearsals;
- Booking performances for the choir;
- Providing a pianist for rehearsals;
- Securing proper sound equipment for performances;
- Selecting appropriate music for choir members to learn prior to performances;
- Maintaining a financial report to be compiled either by the director or the designee;
- Providing transportation to events; and
- Evaluating the effectiveness of the choir and completing the annual review.

REHEARSALS AND PERFORMANCES

Rehearsals normally take place on Tuesday mornings beginning at 0930 hrs and ending by 1030 hrs. Approximately two or three such rehearsals are scheduled each month, with additional rehearsals scheduled on an “as needed” basis. To participate in any choir performance, members must have attended at least 50 % of scheduled rehearsals, to include final rehearsals preceding a performance.

Performances will be scheduled and printed/e-mailed for choir notification. When a performance is scheduled, it is imperative that the choir director be notified, as soon as possible, if a member will not be able to attend any particular performance.

UNIFORM AND DRESS CODE

The choir will maintain an acceptable dress code for performances and dress rehearsals. Both police uniforms and civilian attire should be maintained at the highest of standards with regards to cleanliness. All trousers, shirtsleeves, and collars should be sharply pressed. Shoes and uniform brass should be polished to a fine finish.

All officers, sworn and retired, are to adhere to the following uniform standards:

- Winter Uniform: as defined in General Order 3002, to include the full Ike jacket, ascot and gloves. (see “Gear” below)
- Summer Uniform: as defined in General Order 3002, to include wearing white T-shirts ONLY, under the uniform shirt. (see “Gear” below)
- Gear: Gear for the above listed uniforms include the wearing of the Sam Brown belt, holster with sidearm, handcuffs with case and the ammunition carrier worn horizontally.

Depending on state and federal law, retired officers may or may not be permitted to carry their sidearm while in a police uniform outside of North Carolina. Therefore, those retired officers must omit both the sidearm and the holsters from the gear.

All civilians must wear approved attire as determined by the director.

- Men are to wear suits of similar color and/or style.
- Women are to wear dresses of similar style, color and/or length.

Personal out-of-pocket expenses may arise as members meet the above listed uniform and dress requirements.

Steven W. Chalmers
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1049 R-2**

SHOOTING SPORTS TEAM

Effective Date: 09/01/2002	Revision Dates: R-1 01/10/2005; **R-2 07/29/2016**

INTRODUCTION

The Shooting Sports Team is a specialized assignment and membership will be in accordance with G.O. 1020 – *Specialized Assignments*.

ELIGIBILITY

Volunteers interested in applying for positions on the Shooting Sports Team must meet the following requirements:

- Completion of twelve (12) months of continuous service as a regular sworn officer with the Durham Police Department prior to the last regularly scheduled tryout date, calculated from the date of release from the P.T.O program;
- Attainment of an overall rating of meets expectations and/or exceeds expectations on the last annual Employee Performance Appraisal immediately preceding the application deadline; and
- No disciplinary suspensions of twenty-four (24) hours or more for a period of one (1) year from the date of the disciplinary action to the last regularly scheduled tryout date.

Any member of the prior year's Shooting Sports Team who failed to participate in four (4) matches during the previous season is ineligible to try out for the team the following year.

TEAM MEMBERSHIP

Team members will be selected by tryouts that will be held annually after the last match of the season. The Shooting Sports Team Coordinator will establish the rules for these tryouts. Membership on the shooting team will be based solely on each person's scores in that year's tryouts.

The Team will consist of twelve (12) members.

SHOOTING SPORTS TEAM COORDINATOR

The Chief of Police designates a Shooting Sports Team Coordinator who will offer administrative support for the Shooting Sports Team.

It is the coordinator's function to schedule the tryouts for the teams along with establishing the rules governing the tryouts and the courses of fire to be used, reflecting those used by the North Carolina Police Combat Pistol League and the Carolinas Police and Fire Games.

Once a team is formed, the respective members will elect a team captain by majority vote. In the event of a tie, the Shooting Sports Team Coordinator will have the deciding vote. The coordinator will function as the team's operations officer. Such duties include ensuring transportation for away matches, distributing ammunition, and acting as the point of contact for all formal dealings with the Department (e. g., reimbursement for the match fees).

ATTENDANCE AT EVENTS

Attendance at a match will be considered a duty day for a member of the Team. If a match falls on a member's day off, that member will be entitled to eight (8) hours of compensatory time.

The Team will compete in the matches held by the North Carolina Police Combat Pistol League and may also compete in any other law enforcement or military shooting competitions upon approval of the Chief.

TRAINING

Each member of the Shooting Sports Team will be allowed sixteen (16) hours per month during the Pistol League Season for practice. Preferably, the team captain will schedule practices so that all members might attend. If staffing does not permit attendance at a team practice, then those members who were unable to attend will practice when they can and are eligible to receive up to sixteen (16) hours of compensatory time per month.

Members of the Team will be provided keys to the Durham Police Department's Range to allow practice when the range is not open. All practice should be coordinated with the Range Master through the Team Captain.

MEMBERSHIP DURATION

Once that year's season or event has ended the Team is effectively disbanded. Range keys must be returned by Team members to the Range Master immediately at the end of the season.

Cerelyn J. Davis
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1050 R-1**

PROFESSIONAL EXCELLENCE PROGRAM

Effective Date: 04/28/2004	Revision Dates: **R-1 02/18/2015**

POLICY STATEMENT

The law enforcement profession and the community demand that members maintain the highest ethical standards and integrity possible. The responsibility for maintaining the integrity and professional standards of the Durham Police Department is vested in all members of the Department. An integral strategy in achieving and maintaining these standards will be the continuous development of personal and organizational integrity through the Professional Excellence Program.

Many actions taken by members of the Department require that an administrative review be conducted to ensure compliance with organizational standards. An essential element of an effective integrity management system is the early identification of conduct that does not meet these standards.

PURPOSE OF THE PROGRAM

The purpose of the Professional Excellence Program is to provide the Department with a procedure to identify and monitor patterns of certain actions taken by Department members. These actions are those that require administrative reports and investigations, which are reviewed to ensure compliance by members with Departmental policy. In addition to these reports and investigations, observations of member behavior, which are made by supervisors, may also be used to invoke actions by the Professional Excellence Program.

It is recognized that no program or system can guarantee identification of every employee who needs special assistance. The Professional Excellence Program offers a non-disciplinary avenue to address any problems or deficiencies that may be found as early as possible, realizing that the affected member may not be aware of the problem or deficiency.

A comprehensive review of members' actions, as required through this program, will ensure that members maintain the highest professional and ethical standards essential to the functioning of the Department. The Professional Excellence Program is a method to serve the members of the Department in a proactive manner, assisting them in the maintenance of the high level of appropriate conduct and performance that both each member and the Department expects. Actions described herein that may be taken by the Department are intended to be positive measures to achieve this goal.

The Professional Excellence Program is divided into three (3) distinct areas:

- Employee Identification
- Employee Analysis and Review
- Participation and Plan of Action

EMPLOYEE IDENTIFICATION PROCESS

The Professional Excellence Program employee identification process is dependent upon recognition of program candidates through the following three (3) methods:

- Data Scanning by the Professional Standards Internal Affairs Section: Under this process, employee statistical activity data is reviewed each month for mandatory program analysis referral indicators. Division or District Commanding Officers will be notified if an employee under their command has been identified.
- Supervisory Assessment: Any supervisor who identifies negative behavior patterns in an employee should request a Professional Excellence Program analysis through the chain of command.
- Chief of Police: At the direction of the Chief of Police, or his designee, an employee can be included in the Professional Excellence Program.

BEHAVIORAL ALERT INDICATORS

The following performance data, although not all-inclusive, may indicate a candidate employee for the Professional Excellence Program.

- Excessive absenteeism
- A significant reduction in work performance
- Sudden unusual behavior
- Indications of substance abuse
- Supervisory problems (i.e. previous attempts through performance review and discipline have had little, if any, effect on resolving the undesired behavior.)
- Unexplained racial disparity in an officer's traffic stop data

MANDATORY PROGRAM REFERRAL

The following are examples, although not all inclusive, which require mandatory referral to the Professional Excellence Program for the completion of an Employee Analysis Report:

- Four (4) or more Use of Force Reports within a three (3) month period.
- Six (6) or more Use of Force Reports within a twelve (12) month period.
- Three (3) or more Vehicle Pursuit Reports within a three (3) month period.
- Six (6) or more Vehicle Pursuit Reports within a twelve (12) month period.
- Two (2) or more complaints of misconduct within a three (3) month period.
- Four (4) or more complaints of misconduct within a twelve (12) month period.
- Five (5) or more of any combination of the selected Professional Excellence Program criteria within a three (3) month period.
- Ten (10) or more of any combination of the selected Professional Excellence Program criteria within a twelve (12) month period.
- Any discernible pattern of repeated similar complaints, regardless of finding, against an employee.
- Sustained complaint of excessive Use of Force.

- Evidence of substance abuse (i.e. odor of alcohol, sudden change in behavior, etc.).

EMPLOYEE ANALYSIS AND REVIEW

When an employee has been identified through the Employee Identification Process, an Employee Analysis Report will be completed. An Internal Affairs Investigator will be assigned to prepare an Employee Analysis Report of the employee's career history with the Department. Once completed, copies of the report will be forwarded to the affected employee's chain of command. If the identification is determined by supervisory review rather than data analysis, the appropriate supervisor should forward a memorandum to the Professional Standards Commander through the affected employee's chain of command that the employee has been identified for review.

The Employee Analysis Report will include a review of numerous factors involved in the employee's total history with the Department. This analysis will include, but will not be limited to:

- Assignments (ascertain if unusual movement has occurred)
- All complaints
- All disciplinary actions
- Motor vehicle accidents
- On-duty injuries
- Commendations
- Supervisor interviews (within the past five (5) years)
- Productivity levels prior to and during the identified problem period
- Performance appraisals
- Use of force synopsis
- Vehicle pursuits
- Absentee history
- Reported financial hardship

Upon completion of the analysis report, the Internal Affairs Investigator will forward the report to the Commander of the Professional Standards Division, who upon receipt, will review the report and within ten (10) business days, will convene a meeting of the following personnel to establish a Professional Excellence Program Review Group.

- Bureau Commander of the affected member
- Division or District Commander of the affected member
- Division or District Executive Officer (Lt.) of the affected member
- Commanding Officer, Professional Standards Division
- The affected member's current supervisor
- Internal Affairs Investigator

At least three (3) of the five (5) group members must be present for a quorum.

If the employee's chain of command determines that there is insufficient need to convene a Professional Excellence Program Review Group, the employee's Bureau Commanding Officer will be responsible for ensuring a memorandum is prepared and forwarded to the Commander of the Professional Standards Division documenting this decision. If the Commander of the Professional Standards Division concurs with this request, the Professional Excellence Program Review Group meeting will be cancelled and the memorandum will serve as closure for that review. If the Commander of the Professional Standards Division and the affected Bureau Commander disagree as to the need of meeting, the Chief of Police will make the decision.

In situations in which Professional Excellence Program Review Group is convened, it shall provide input into a Plan of Action to be developed by the affected member's chain of command. The Internal Affairs Section will document the names of the members of the Review Group present for the meeting and their decision.

PARTICIPATION AND PLAN OF ACTION

The plan should be flexible to permit modification if necessary. Significant progress may dictate a relaxation of the plan while continued problems may require implementation of additional measures. The Plan of Action, when determined, will be forwarded in writing to the Chief of Police for approval. Upon approval, the plan becomes a direct order from the Chief of Police to the affected member and to all supervisors in the member's chain of command. The original Plan of Action will then be forwarded to the Internal Affairs Section to be filed.

The Plan of Action will include, but not be limited to:

- A statement advising the member that he or she is assigned to the Professional Excellence Program, and that participation in this program is mandatory for a minimum period of six (6) months.
- A synopsis of the behaviors identified that are affecting the performance of the required duties as a member.
- Notice that participation in this program will not mitigate any other disciplinary action resulting from his or her employment (future complaints will be processed as normal). Should further negative action occur during the program, necessary disciplinary action will be taken.
- Specific actions required of the employee, the employee's immediate supervisor, and Division Commanding Officer during the program.

Recommendations stemming from the Plan of Action may include but are not limited to the following:

- Retraining of the member in the affected area of concern or unacceptable behavior.
- Referral to the Department's Psychological Assessment Program.
- Referral to a Peer Support Team.
- Suspension of Secondary Police Employment privileges.
- Transfer from their present assignment to another position.
- Assignment of a mentor.

All Plans of Action are in effect for a period of six (6) months from the date of approval by the Chief of Police. The affected employee's immediate supervisor will closely monitor the employee's progress and on at least a monthly basis, the employee and the employee's immediate supervisor will meet to discuss the employee's progress. Following this meeting, the supervisor will prepare a monthly status report regarding the employee's progress, in memorandum format, directed to the Division Commanding Officer. The employee will sign and date the original report to indicate that the information contained in the status report was discussed with him.

The employee's signature, however, does not indicate that the employee necessarily agrees with the information contained in the report. A copy of the report will be given to the employee and the original report will be submitted to the Division Commander, who in turn, will forward the report through the chain of command to be filed in the Internal Affairs Section.

At the end of the six (6) month period, the immediate supervisor of the member will complete a final progress report with a final recommendation and forward it through the chain of command to be filed in the Internal Affairs Section. The recommendation may be a declaration of successful completion, extension of the program, referral for additional assistance or any other action deemed necessary by the Review Group.

If the recommendation is a declaration of successful completion of the program and concurred with by the chain of command, no further action is necessary. If the recommendation is not a declaration of successful completion of the program, an assessment meeting will be held with the member, his chain of command, and remaining members of the Professional Excellence Program Review Group. The Chief of Police will have the responsibility of reviewing the final progress report and recommendation prepared by the member's immediate supervisor and will make all final decisions.

ANNUAL EVALUATION

The professional Standards Division Commander shall conduct an annual evaluation of the Professional Excellence Program. This report shall be submitted to the Chief of Police. The evaluation will include, at a minimum:

- Statistical data about Professional Excellence Program activity during the past year;
- An assessment of the overall effectiveness of the Professional Excellence Program;
- Any recommendations for additions, subtractions, or changes in program reporting criteria;
- Any recommendations for changes to program policies; and
- A recommendation for or against the continuation of the program.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1051**

AGENCY REPORTS & INSPECTIONS

Effective Date: **01/31/2013**	Revision Dates:

INTRODUCTION

Regular periodic reporting and inspections will be completed and recorded to ensure agency goals and objectives are being met in terms of operational and administrative effectiveness. The responsibility for reports and inspections will be placed with the Commander Officer of the departmental component, district, division, or unit that performs the function (see appendix). The inspection or report will be submitted through the chain of command with distribution as noted in the appendix. Reports will be retained by the Commanding Officer of the departmental component responsible for the report as specified by current policy, standard operating procedures, and/or accreditation requirements.

RESPONSIBILITIES

Departmental components (as listed in the Appendix) will:

- Have the responsibility to insure that the required inspections are conducted and reports prepared in a timely manner according to the schedule provided.
- Submit completed reports in a timely manner through the chain of command as indicated in the Appendix.
- Ensure that completed reports or inspections are stored by the highest-ranking departmental component responsible for such report or inspection. The reports and inspections will be maintained according to the North Carolina Records Retention Guidelines.

Deputy Chiefs, Bureau Commanders and Professional Standards Division Commander:

- Maintain a listing and schedule of all required inspections and reports for all departmental components under their command.
- Provide advance notice to the appropriate component that an inspection or report is due within thirty (30) days.
- Ensure the timely completion of the inspections and reports made by departmental components within their Bureau/Division.
- Maintain a file of each completed inspection or report.

The Professional Standards Division will:

- Maintain a master listing and schedule of all required inspections and reports for all departmental components.
- Complete audits or independent inspections as required by policy or accreditation mandates.

DEFINITIONS

Analysis - A systematic, structured process for dissecting an event into its basic parts to identify any patterns, trends or areas of improvement. Analysis should reveal patterns or trends that could be predictive or could indicate program effectiveness, training needs, equipment upgrade needs and/or policy modification needs.

Audit - A sampling and review of financial records and practices to verify accuracy and accountability.

Inspection - A careful and critical examination; a formal review of all components of a particular requirement and an examination of their application.

Inventory - A detailed, itemized list, report, or record of items in one's possession or the process of making such a list, report or record.

Line Inspection - Inspection conducted by personnel in control of persons, facilities, procedures or other elements being inspected.

Review - To examine or study; less formal than an analysis.

Staff Inspection - Inspection conducted by personnel who do not have control of the persons, facilities, procedures or elements being inspected.

DISTRIBUTION

The row on the appendix denoted "DSTR" indicates distribution. The distribution codes are as follows:

- "1" Police Chief
- "2" Deputy Chief of Operations
- "3" Deputy Chief of Operations Support
- "4" Bureau Commander
- "5" District or Division Commanding Officer
- "6" Unit Commanding Officer
- "7" Professional Standards Division
- "8" Staff Inspections Unit
- "9" Accreditation Manager

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1052**

ANNUAL REPORTING FOR MISDEMEANOR MARIJUANA ARRESTS

Effective Date: **11/03/2014**	Revision Dates:

INTRODUCTION

The Durham Police will provide an annual report to the City Manager on misdemeanor marijuana arrests.

WRITTEN REPORT OF ANNUAL MISDEMEANOR MARIJUANA ARRESTS

The Crime Analysis Unit will provide accurate data involving misdemeanor marijuana arrests. Crime Analysis will ensure that quarterly reports are sent to the District Commanders for review.

The District Commanders will review the data with their supervisors on a quarterly basis to ensure compliance with Department policy. .

On an annual basis the Deputy Chief of Operations Support or his/her designee will conduct a review of the previous calendar year's Misdemeanor Marijuana Arrests Reports. The review will include:

- The data compiled from the reports and identification of any disparities that were found, if any.
- Identification of any changes and/or recommendations that were made due to the disparities.
- A review of reporting procedures will be conducted and, if appropriate, recommendations to the procedures will be made.

The Annual Misdemeanor Marijuana Arrests Review will be submitted to the Chief of Police for review. Once reviewed by the Chief, the report will be submitted to the City Manager.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1053**

POLICE ATHLETIC & ACTIVITY LEAGUE PROGRAM

Effective Date: **11/09/2015**	Revision Dates:

INTRODUCTION

The Durham Police Department sponsors a Police Athletic and Activity League (PAL) for school aged youth. The goals of this program are to provide Durham County school age youths with alternatives to criminal and gang activity, build bridges with the community and create mentoring relationships between officers and youth. Through the establishment of youth athletic leagues and mentorships with police officers the goal is to create positive interactions with younger members of the community.

DEFINITIONS

Coach – person or persons responsible for instruction and team management for a specific sport or athletic league.

Mentor – provides youths with opportunities for open communication and discussion to support and educate them.

Chaperone – provides assistance and oversight as needed for program activites without necessarily being responsible for the organization of the program.

Contribution/Donation – a gift made to the program by a person, business or organization. It may be in the form of money, property or services.

Solicitation – a direct request for a contribution/donation.

Sponsors – contributors of money, property or services to support a specific event, activity or program that is not otherwise prohibited by law and City of Durham or Department policies.

Funding Campaign – a systematic approach for soliciting contributions and donations within a certain time frame to attain identified financial goals.

PROGRAM ADMINISTRATION

The Community Resource Unit within the Community Services Division is responsible for the overall management and administration of the program. A member of the unit will be designated as the Program Coordinator and will manage the program in accordance with the Community Resource Unit SOP Manual.

In order for community members to participate in the PAL program they must be residents of Durham County, be a school age participant (5-18 years old), attend school on a regular basis, be drug free and not affiliated with gangs.

VOLUNTEER RESPONSIBILITIES

Department members may elect to participate in the PAL program. Participation is voluntary and will occur within the guidelines of this policy. While participating in program activities, members will follow the direction of the program coordinator.

Volunteers are needed for the following activities:

- Serve as coaches for various athletic programs sponsored by the PAL program.
- Serve as mentors for participants of the PAL program during activities and events.
- Serve as chaperones for field trips and outings sponsored by the PAL program.
- Promote the program in a positive manner and serve as liaisons between the community and the police department.

Volunteers are permitted to coach PAL games and practices while on-duty if staffing levels permit and with the approval of the volunteer's supervisor.

DPD PAL's volunteers may earn up to 16 hours of compensatory time per month for time spent coaching PAL games and practices while off duty. In order to be eligible for overtime time, a volunteer must:

- Sign a roster at all games and practices coached; and
- Obtain supervisor approval.

GUIDELINES FOR SOLICITATION

The PAL program is a non-budgetary funded program which operates through the generosity of others providing grant funds and donations. Through authorization of the City Manager, in compliance with City Policy FP -109 *Contributions and Solicitations*, the PAL program conducts funding campaigns for all programming operations. The Department may accept contributions or donations any time.

The Chief of Police or his/her designee is responsible for authorizing all funding campaigns for the PAL program. The Program Coordinator is responsible for notifying the Chief of Police, through their chain of command, when and how much funding is required for program operations. If needed, a funding campaign may be organized to increase public awareness for the program needs and solicit donations with the assistance of the Public Affairs Unit.

Only a member of the Department's Fiscal Services division, approved by the City's Finance Officer, can processes contributions/donations for the department. Sponsors may give monetary contributions to designated department employees. As soon as practically possible, members will transmit their monetary contributions to the Fiscal Services Grants Administration Office , in accordance with City Policy FP-303 *Cash Handling-City Cash.* Sponsors interested in providing non-monetary contributions will be referred to the Grant Administration Office, who will coordinate necessary paperwork and delivery requirements between the sponsor and the PAL program coordinator.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **1054**

BIOLOGICAL & CHEMICAL EMERGENCY RESPONSE TEAM

Effective Date: 02/20/2017

INTRODUCTION

The Durham Police Department will respond to incidents involving confirmed or potential chemical weapons, biological weapons, radiological weapons and nuclear or explosive weapons (CBRNE). The Biological & Chemical Emergency Response Team (BCERT) is a unit that is specifically trained to respond to CBRNE types of incidents. The Team will be comprised of at least one full-time officer, designated as the BCERT Team Leader and a sufficient number of reserve BCERT officers to safely and effectively respond to incidents. Reserve BCERT status will be a specialized assignment under G.O. 1020 *Specialized Assignments*.

RESPONSIBILITY

The BCERT officers must be trained and certified to respond to incidents involving confirmed or potential CBRNE incidents. The BCERT Team Leader will administratively report to the Special Operations Division Commander but tactically coordinate with the on-scene Incident Commander.

The BCERT Team Leader will serve as the Reserve BCERT program coordinator. When a vacancy is identified, the Team Leader shall notify their chain of command of the vacancy and coordinate the selection process.

Reserve BCERT officers are required to participate in an on-call rotation and meet all training and certification requirements in accordance with SOP Manual 3.4 *BCERT*. Additionally they will be required to maintain all necessary certifications and participate in scheduled training activities.

Members will be expected to respond to incidents that may include:

- Threats or suspected use of CBRNE material;
- Suspicious packages;
- Release of a toxic or incapacitation agent(s) involving mass evacuations;
- Approved requests for assistance to other agencies.

SELECTION

Members will be selected in accordance with G.O. 1020 *Specialized Assignments*, to include the following selection criteria:

- Completion of three years of continuous service as a regular sworn officer with the Durham Police Department, calculated from the date of release from the Police Training Officer program to the date of the application deadline; and
- Attainment of an overall rating of meets or exceeds expectations on the last three annual Employee Performance Appraisals immediately preceding the application deadline; and
- Having a record of no disciplinary suspensions for a period of one year, calculated from the date of the disciplinary action to the date of the application deadline; and
- Must live within a 25 mile radius of Police Headquarters.

Members meeting the above criteria must participate in a competitive process that includes the following components. Each component will be weighted as indicated below and tallied to compile an overall score to generate a ranked list for selection to the team.

- A Physical Abilities Test to ensure the candidate can function in Personal Protective Equipment (PPE) and is not claustrophobic – 50%
- An Oral Board comprised of current members and other departmental personnel – 50%

Officers selected for assignment to the team will be required to submit to a hazmat physical at least biannually. Officers selected for assignment to the team will be in a probationary status for a period of six (6) months from the date of selection. During the probationary period prospective team members are subject to release from team assignment without cause and may voluntarily forfeit team assignment without cause. The probationary period may be extended beyond six (6) months by the Division Commander based on recommendation of the team leader.

EQUIPMENT AND UNIFORMS

BCERT on-call members will have assigned vehicles. They must carry and maintain all their uniform and equipment items in operational readiness in the vehicle at all times. For this reason, the security system (if equipped) in the vehicle must be activated whenever the vehicle is left unattended.

Reserve BCERT members, if they are assigned a take home vehicle for their primary assignment, will continue to use that vehicle for BCERT activities. If the member does not have a vehicle in their current assignment, the Special Operations Division will provide a vehicle during their on call period.

Cerelyn J. Davis
Chief of Police

SERIES 2000 – PERSONNEL MANAGEMENT

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **2001 R-6**

DISCIPLINARY PROCEDURES

Effective Date: 12/15/1995	Revision Dates: R-1 03/01/1996; R-2 05/16/1997; R-3 01/10/2005; R-4 02/09/2010; R-5 10/08/2012; **R-6 04/17/2017**

INTRODUCTION

It is the policy of the Durham Police Department to ensure that discipline is administered in an equitable and consistent manner in accordance with the City Policy HRM-322 – Disciplinary Policy. Generally, the Durham Police Department uses a progressive disciplinary system in an effort to provide an employee a reasonable opportunity to correct poor job performance or unacceptable conduct. Progressive discipline is administered and documented through a series of levels. The level of discipline imposed reflects the seriousness of the offense, taking into consideration any previous disciplinary history. More serious offenses may result in discipline at any level regardless of the existence and/or nature of prior disciplinary actions. For example, an administrative finding that an employee has violated the law (such finding not being necessarily dependent upon the outcome of a criminal prosecution) may result in disciplinary action at any level, including termination.

EMERGENCY RELIEF

Whenever improper conduct of an employee is observed by any supervisor, it is the responsibility of that supervisor to inform the offending employee's supervisor for appropriate action.

A first line supervisor, a Watch Commander, Division or District Commander or higher may relieve an employee from duty on an emergency basis. Examples of behavior suitable for relief from duty include, but are not limited to:

- Indication of substance abuse;
- Alcohol or controlled substance use in violation of the law or City or Department policies;
- Involvement in a shooting;
- Following imposition of criminal charges;
- Severe insubordination;
- Physical and/or emotional distress; or
- Any condition that, in the supervisor's opinion, indicates that the department member cannot perform his/her duties.

Any supervisor relieving an employee from duty on an emergency basis will notify the Watch Commander immediately, who will notify Internal Affairs as soon as practically possible. Such relief from duty will remain in effect as directed by the affected employee's supervisor. This is considered Administrative Leave in

accordance with City Policy HRM-606 - Administrative Leave. Internal Affairs will make the determination as to whether the emergency relief will be investigated and/or if there will be a medical referral. A decision will be made between Internal Affairs and the affected employee's chain of command, with approval of the Chief of Police, whether the employee will return to regular duty, be temporarily reassigned elsewhere in the Department, or be placed on Administrative Leave. Whether Administrative Leave is with or without pay will be at the discretion of the Chief in accordance with HRM-606, based on the severity of the incident or allegation(s).

POSSIBLE PENALTIES

Subject to the City's Disciplinary Policy HRM-322, and when necessary, the approval of the City Manager, the following penalties may be imposed against a member of the Department for disciplinary purposes:

- Written reprimand
- Suspension from duty
- Demotion, reduction in pay, rank, or position
- Termination

In accordance with HRM-322, any disciplinary action will be subject to technical review by Human Resources prior to the discipline being administered to the employee.

Any employee whose duties require the operation of a City vehicle who is determined to have been driving while impaired, either criminally and/or administratively, will be terminated.

COACHING/COUNSELING OR RETRAINING

It may be determined that a violation of departmental policy is not severe enough to rise to the level of a disciplinary action. In such a case, an appropriate alternative may be coaching/counseling or retraining, either of which should be directed toward improving employee performance through positive and constructive means. The supervisor shall provide for the counseling or retraining, or for initiating a performance improvement plan in accordance with Performance Management Guidelines. Written records of counseling or retraining and any performance improvement plan must be maintained as performance notes for the annual performance appraisal and placed in the employee's personnel file in Employee Services.

Nothing in this General Order prohibits the use of coaching/counseling or retraining in combination with formal disciplinary penalties, nor in matters not directly associated with violations of policy.

LEVEL OF AUTHORITY FOR DISCIPLINE

Supervisors may exercise the following measures with members under their control:

- Change of duty assignment within their span of supervisory control
- Coaching/Counseling
- Re-training
- Emergency relief from duty

In addition to the above, the Chief of Police, or designee, may exercise the following disciplinary measures with departmental employees:

- Written reprimands upon approval of the employees chain of command with final approval from the employee's Bureau Chief.
- Suspension without pay for up to five (5) working days (Greater amount upon approval of City Manager).
- Demotion in rank or pay (upon approval of City Manager).
- Termination from the City (upon approval of City Manager).

Transfers are discretionary operational decisions and not grievable disciplinary measures.

DISCIPLINARY ACTION RECOMMENDED

At the conclusion of a formal investigation, if an allegation is sustained against a member, the Professional Standards Division Commander will notify the affected member's Division or District Commander. HRM-322 establishes a time frame for which discipline must be issued once an investigation has been completed. If the Department is unable to issue discipline within the designated time frame, the Professional Standards Division Commander will notify Human Resources.

The Division or District Commander will then make a recommendation of discipline based on the severity of the offense taking into consideration the employee's disciplinary history, particularly previous disciplinary actions for the same or similar offenses. The recommendation will be forwarded to the Professional Standards Division on the Technical Review form within five (5) calendar days.

Upon receipt of a Technical Review Form, the Professional Standards Division Commander or designee will review it. The form will then be processed through the employee's chain of command in accordance with the level of discipline being recommended. Modifications to the recommendation may be made by the chain-of-command to ensure disciplinary actions are consistent throughout the Department. Prior to notifying the employee, the Professional Standards Division Commander or designee will submit the Technical Review form to Human Resources for approval.

Once the technical review form has been approved through the chain–of-command and Human Resources, the Professional Standards Division Commander or designee will then notify the member in writing of the recommended discipline.

The employee may:

- Accept the disciplinary action; or
- If the disciplinary action qualifies for appeal, they may accept the sustained findings but appeal the disciplinary action t by following City Policy HRM-323 – Grievance Policy.

Written notification, via the Employee Notification Form, of any discipline imposed will be given to the employee with a copy going to their supervisor, to Employee Services for placement in their personnel file and to Internal Affairs to be entered into the early warning system.

PRE-DISCIPLINARY CONFERENCE

A pre-disciplinary conference will be held for any employee who is recommended for disciplinary action greater than a written reprimand before it is implemented. The employee has the option to waive the hearing. A waiver is noted by the employee signing the Pre-Disciplinary Conference Notice Form declining the hearing.

During the hearing, the following will be present: the employee, an Assistant Chief of Police or higher ranking Officer who is not in the employee's chain-of-command (presiding), and an Internal Affairs Investigator who will present a preliminary report to the Assistant Chief of Police. Also, the employee may invite a person of support to attend and/or speak for the employee.

TERMINATION NOTIFICATION

In a sustained case where termination is to be imposed, the Internal Affairs Unit will write a letter under the signature of the Chief of Police to the employee providing the following information:

- A statement citing the reason for and effective date of termination; and
- A statement notifying the person to contact the Human Resources Division for information regarding the status of benefits after termination.

Cerelyn J. Davis
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **2002 R-3**

FAIR LABOR STANDARDS ACT / COMPENSATION / OVERTIME / COMPENSATORY TIME

Effective Date: 12/15/1995	Revision Dates: R-1 09/01/2002; R-2 12/05/2003; **R-3 11/02/2012**

INTRODUCTION

The Durham Police Department will comply with and adhere to the provisions of City policies HRM-403, HRM-411, and the Fair Labor Standards Act (FLSA) as it applies to all employees, full and part time, sworn and non-sworn. Supervisors must make schedule adjustments whenever possible to prevent overtime payments.

DEFINITIONS

Exempt Employees: Administrative, professional, certain supervisory and high level technical employees are defined by the FLSA as exempt and are not eligible for overtime payments.

Non-Exempt Employees: Clerical, certain supervisory, maintenance, service, and hourly positions are defined by the FLSA as non-exempt and are therefore eligible for overtime payments.

City Compensatory Time ("comp time"): Comp time is a pay substitute for those hours worked by sworn officers beyond 171 hours, in a 28-day block of time, which is called the "work period" for FLSA purposes. For non-sworn employees it is a form of payment for those hours worked beyond the 40 hour in 7-day work period. Also eligible for comp time payment are any hours earned, pursuant to DPD policy, while a sworn or non-sworn employee is on call by pager or telephone standby. See, "FLSA Overtime Hours", below. An employee who works overtime may choose to be compensated for that time either with cash or with comp time, up to a maximum number, currently 240 hours, beyond which cash must be paid.

City Compensable Time: Compensable time is any time in a work period, during which an employee is scheduled to work, and does so. It does not include any forms of paid leave, such as sick time or vacation. For sworn officers, it is that time during which an employee is scheduled to work in the 171-hour or other approved work period. For non-sworn employees, it is the time when the employee is scheduled to work in the 40-hour (7-day) work period.

FLSA Overtime Hours ("overtime hours"). Overtime hours include all hours worked in excess of regularly scheduled hours in an employee's normal work period. For non-sworn employees, work beyond 40 hours in a 7-day work period is considered overtime. For sworn personnel, a work period beyond 171 hours in a 28-day work period is considered overtime. Overtime hours could include work performed at any location on-or off-site, if the employee's Supervisor permits the employee, in advance, to do the work.

Work Periods: The work period for non-exempt, non-sworn employees is 7 days. The work period for non-exempt, sworn personnel is 28 days. There is no set work period for exempt personnel.

COMPENSATION

Compensation levels are established annually by City Council and apply to all positions in the Durham Police Department. The City publishes a Compensation Plan at the beginning of the fiscal year with salaries for each rank/classification within the City.

SALARY AUGMENTATION

Salary augmentation is pay added to employee's base salary. Police salaries may be augmented in the form of certain approved incentives and longevity merit pay. Detailed information about these benefits may be obtained from personnel policies or from the Employee Services Unit.

OVERTIME/COMP TIME

Supervisors are directed to use schedule adjustments instead of overtime whenever possible; and are accountable to the Chief of Police for large accruals of overtime or comp time by their subordinates. Supervisors may direct employees to use accumulated compensatory time when their absence would not unduly hamper operations.

Exempt employees are not eligible for overtime payment~~s~~. Exempt employees may be eligible for management leave, at the discretion of the Chief of Police.

When leaving employment with the City, every non-exempt employee's unused comp time must be converted to its cash equivalent and paid out to the employee.

Non-exempt employees are eligible for overtime payments at a rate of one and one-half times their regular rate of pay for each hour of overtime worked, or comp time at one and one-half hours earned for each hour of overtime worked. The rate of one and one-half times only applies to those hours worked beyond 171 for sworn personnel, and beyond 40 for non-sworn employees. Separate totals will be kept for both overtime and comp time.

Non-exempt employees shall complete an Overtime Agreement Form (Attachment 3), choosing between comp time and overtime payments. No employee can be forced to choose either overtime payment or comp time.

The Police Department has agreed to maintain a maximum of 240 hours worked (360 accrued hours) for sworn personnel.

No overtime or comp time work will be permitted without the knowledge and approval of the requesting employee's Supervisor. For further information, please see personnel policies HRM-403 and HRM-411, or contact any Employee Services Staff member.

The Department will audit annually a minimum of ten percent of the Work Period Logs for sworn personnel. The audit will cover the previous year's work cycles. The Division Command Staff must conduct the audit, and report the findings to the Chief of Police through the respective chain of command. If the initial audit identifies multiple errors and/or inconsistencies, the audit for that Division could be expanded as needed to address the issue(s).

WORK PERIOD LOGS

Work Period Logs will be used to record leave, schedule adjustments, and overtime and comp time accrued and taken, for each non-exempt employee (See Attachment 1). Every log must be signed by the employee's

Supervisor keeping the time, and by the employee, who by signing the form, indicates agreement with that period's log.

Original work period logs and the corresponding leave slips will be retained for a period of not less than 5 years by the employee's Division Commander. The employee's direct Supervisor must keep a copy of the work period log and the corresponding leave slips for a period of not less than 5 years. The original work period logs and corresponding leave slips will be forwarded to any new Division Commander if an employee is transferred or reassigned.

Work Period Logs for all sworn personnel will use the same 28 day work period. The work periods will be based on the Uniform Patrol Work Schedule. The work period begins on the 1st Monday of the Uniform Patrol Work Schedule, and ends 28 days later, on a Sunday. Work Period Logs must be completed and submitted to the respective time keeper by 1700 hours on the Tuesday following the end of the period(s). The Uniform Patrol Schedule rotation is shown below.

	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
A	N				D	D	D	D								N	N	N	N				D	D	D		N	N
B		N	N	N	N				D	D	D		N	N	N				D	D	D	D						
C		D	D	D		N	N	N				D	D	D	D								N	N	N	N		
D	D								N	N	N	N				D	D	D		N	N	N				D	D	D

COURT TIME

Hours spent in Court by non-exempt personnel in connection with their assigned duties, during their off-duty hours or on days off, will be considered hours worked, and therefore compensable toward overtime or comp time. The Court Liaison Officer will verify compensable court hours on a Court Slip. If overtime pay is requested, the Court Liaison Officer must send the verified Court Slip to the Employee Services Unit, and make no note of the time on the Work Period Log. When comp time is requested, the employee's Supervisor will record the time on the Work Period Log. When claiming Court overtime, the employee may claim no other authorized leave time (sick, vacation, comp time, or overtime).

STANDBY DUTY

Standby duty or on-call time is time during which an employee must remain available for contact by telephone or pager outside regular duty hours, as assigned by the Chief of Police or designee. Employees on standby duty are not restricted to one location, but must provide a current telephone or pager number at all times. Employees assigned to standby duty will receive 1 hour of comp time for each period of recall duty within 24 hours. A minimum of 2 hours counted as work hours for the first 2 periods of recall in a 24-hour period is guaranteed, even if the employee is not required to work for the full 2 hours. For subsequent recalls in a 24-hour period, only actual hours worked will be counted as overtime-compensable.

SPECIAL ACTIVITIES

Hours spent participating in special activities assigned by a Bureau Commander (such as the Holiday Parade or Fourth of July fireworks), grant–funded programs, or other special programs approved by the City Manager or City Council) during off-duty hours or during days off, will be considered paid overtime. Such hours will be paid through a memo request from the Bureau Commander, listing the names, employee numbers, and hours worked. Bureau Commanders must have received permission from the Chief of Police to authorize in advance overtime for the special activity.

TRAINING

Off-duty hours spent in mandatory training assigned by supervisors, including necessary travel time, will be considered hours worked toward overtime or comp time. Voluntary training hours will not be considered hours worked. For further information, see personnel policy HRM-411, or contact an Employee Services Staff member.

Job-required training will be recorded on Work Period Logs. Hours actually spent in training, plus out-of-City travel time, will be recorded in Column B. Lunch breaks are not to be recorded. Time away from regularly scheduled duties will be recorded as a Schedule Adjustment in Column D. Calculation of overtime payments or comp time owed, if any, will be done by the Supervisor at the completion of the work period. Training time will be scheduled as indicated, below. Individual situations, which are not addressed in these examples, will be resolved by the Division Commander.

Training Scheduled On Day Off - Officers will be compensated on an hour-for-hour basis, excluding meal times. Computation of overtime payments or comp time owed, if any, will be calculated by the Supervisor at the completion of the work period.

Training Scheduled During Regular Work Day – An on-duty Officer will be excused from duty only during hours when the Officer is at the training session. Full duty release is at the discretion of the District Commander, based on staffing conditions.

Training Scheduled When Squad Is Working Nights - Officers will be excused from night duty. Hours actually worked on patrol, plus those accrued while at training, will be calculated at the end of the work period by the Supervisor. Officers working a night shift that precedes a daytime school will be excused at 2300 hours on the night before the training.

TRADING TIME

Sworn officers requesting to trade tours of duty will not be due overtime or comp time. Trades will be permitted if the trading is done voluntarily, and for the employee's benefit rather than the Department's. Records of time traded will be maintained by Supervisors; and any time traded should be paid back within 90 days. Time traded will be recorded on the daily roster with the word, "TRADE," written by the names of both officers involved.

DUAL CITY EMPLOYMENT

Hours worked by City employees at their own option for a different City Department are not considered overtime for Police Department purposes. For further guidelines, see personnel policy HRM-309.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **2003 R-2**

ATTENDANCE & PUNCTUALITY FOR POLICE PERSONNEL

Effective Date: 12/15/1995	Revision Dates: R-1 09/01/2002; **R-2 01/10/2005**

INTRODUCTION

All employees are expected to comply with the guidelines outlined in City Personnel Policy PER-702, "Attendance and Punctuality". In addition, police personnel will be accountable for compliance with the rules and procedures outlined in this general order.

NOTIFICATION OF ABSENCE

Uniform Patrol officers shall notify the Desk Officer at least one hour prior to their scheduled work day if they are unable to come to work due to sickness, a death in the family, or if they will be late due to unforeseen circumstances. Other employees should follow their divisional procedures. Arrangements for all other absences should be made in advance with Leave Request forms. Supervisors may deny Leave Requests based on staffing shortages and/or organizational needs.

PUNCTUALITY

When an employee is at least fifteen (15) minutes late, the supervisor has the option to deduct payment for that time period, and for each additional fifteen-minute increment of missed work. To deduct pay, supervisors shall keep accurate records of all time lost due to lateness. At the end of the work period, the supervisor should send a memo to Employee Services requesting the pay deduction through use of a Personnel Action Form.

Employees may make up lost time through use of compensatory time, coming in early, or leaving late, at the discretion of the supervisor. Employees may not make up lost time during meal breaks.

Coaching and counseling should be initiated with each occurrence of tardiness. The supervisor may initiate a written reprimand with Professional Standards after three (3) incidences of tardiness within an annual rating period. Any additional levels of discipline should be processed through Professional Standards as necessary.

ANNUAL PERFORMANCE APPRAISAL

Attendance and punctuality are important standards in judging performance.

Employees who show a pattern of excessive absenteeism or tardiness will receive a "does not meet expectations" under attendance and punctuality on their evaluations. Letters of reprimand may be written for the following:

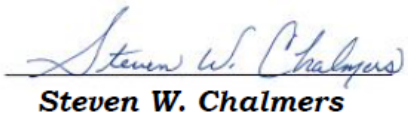
Attendance: If you use more sick leave and/or compensatory time than earned during the rating period except with verifiable personal or family sickness or maternity/paternity leave at the discretion of the supervisor.

Tardiness: If you report late to work three (3) times or more during the annual rating period. (This shall include being late for or missing appointments.)

FAILURE TO COMPLY WITH GENERAL ORDER GUIDELINES

Failure to comply as indicated may result in unapproved absences (leave without pay), and progressive levels of discipline based on the severity of the problem.

Employees with excessive absences, even if verified, may risk termination if their absence impacts upon the essential functions of their job description. Absence without notification for three consecutive days may result in immediate termination.



Steven W. Chalmers
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **2004 R-3**

EMPLOYEE PERFORMANCE APPRAISALS

Effective Date: 12/15/1995	Revision Dates: R-1 05/01/1996; R-2 01/10/2005; **R-3 10/19/2012**

INTRODUCTION

The Durham Police Department evaluates the performance of all employees as required by City Personnel Policy HRM-303 and outlined in the City Performance Management System Manual. In addition to City requirements, the Department utilizes standards that are more stringent than City policy in the case of probationary police officers.

VARIANCES FROM CITY OF DURHAM POLICY

All non-probationary employees shall be advised in writing if their performance is deemed to be unsatisfactory at least 90 days prior to their annual evaluation required by City personnel policy.

All probationary police officers shall be rated according to the Police Training Program policy outlined in General Order 2012.

All probationary non-sworn entry-level employees shall receive a quarterly or more frequent performance evaluation.

RATERS AND SUPERVISORY EVALUATIONS:

Any supervisor responsible for conducting annual performance evaluations of their subordinates are required to be evaluated by their own supervisor regarding the quality of their ratings given employees. Each rater's annual performance evaluation will contain feedback and performance as to their ability to rate their subordinates in compliance with agency policy, the expectations outlined in the city's Performance Management System Manual and formal rater training. Rater training will be provided to all supervisors as part of their advanced training and their supervisory development. Career Counseling remains an important component of the employee performance management system and, as such, remains a vital part of the rater review critique as well.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **2005 R-1**

PSYCHOLOGICAL SERVICES

Effective Date: 12/15/1995	Revision Dates: **R-1 01/10/2005**

INTRODUCTION

The Durham Police Department places a high priority on promoting and maintaining the psychological wellbeing of its employees. The Psychological Services Provider (PSP) provides services towards this end for sworn, reserve and non-sworn employees, as well as offering behavioral science support for departmental operations.

SERVICES

Counseling services will be offered to employees, their families and those in a family-like relationship with employees. Such services will be on a short-term/crisis intervention basis. Referral will be made for long-term counseling and substance abuse treatment.

Fitness for duty evaluations will be provided or referral will be made for their provision.

Psychological evaluations will be provided for new applicants, lateral transfers and transfers to special squads.

Critical incident counseling and *stress management services* may be provided to any employee, family member or person in a family-like relationship with an employee. Such incidents refer to any occasion of serious psychological trauma and include but are not limited to: serious injury or death of an employee, or caused by an employee; shooting incidents; witnessing death or serious injury.

Training will be provided in stress management and other procedures to facilitate efficient operation of the Department.

Psychological consultation services will be offered for situations involving: barricaded subjects; hostage negotiations; psychological profiles of criminal subjects; any situation where command staff or the PSP determine that departmental operations will benefit from such services. In these situations the PSP's role is that of consultant to the field, division or bureau commander.

Psychological consultation services will be offered to other City Departments on a selective emergency basis.

Research will be carried out to enhance the welfare of employees and the operation of the department.

REFERRAL TYPES

Self-Referral

Self-referral may be made by any employee, family member or person in a family-like relationship with an employee, by contacting the PSP directly by phone or in person. Services will be provided at the remote PSP office as per individual arrangement. Such contacts will be subject to the rules of confidentiality specified below.

Referral for Voluntary Services

Referral for voluntary services will proceed as for self-referral defined above. The referring individual will contact the PSP to provide information regarding the referral.

Referral for Mandatory Services

Referral for mandatory services may be initiated by preparing written documentation detailing the reasons for the referral and submitting this to the PSP for approval. This documentation is subject to the rules governing confidentiality.

Upon approval, the employee will be notified as to the nature of and reasons for the referral and will be responsible for contacting the PSP within 72 hours of such notice to arrange an appointment.

Notification of compliance with the referral may be shared with others in the employee's direct chain of command to the extent that this is required for effective operation of the department.

The content of treatment sessions will remain confidential. Supervisors may be notified as to compliance with required treatment regimens.

Referrals for Fitness for Duty Evaluations

Referrals for fitness for duty evaluations will follow the procedure for mandatory referrals as defined above. Initial contact with the PSP will determine the need for a complete fitness for duty evaluation. Such evaluations will be carried out by the PSP or at the request of the person evaluated and at the department's expense by any licensed psychologist or psychiatrist.

Evaluation reports will be provided to the Chief and may, at the Chief's discretion, be shared with others in the employee's direct chain of command. Results will be communicated to the employee. Should the employee disagree with this evaluation, he or she may arrange an evaluation with a professional of their choice as defined above, at their expense. Should these evaluations disagree; the Chief will make final determination. Employees so entitled may appeal any decision through the city grievance procedure.

PRE-EMPLOYMENT AND IN-SERVICE PSYCHOLOGICAL TESTS

New applicants, lateral transfers from outside the Department and applicants for special high risk, high civil liability units, as designated by the Chief, will receive psychological evaluations by the PSP or a qualified designee. Applicants will receive written notification of time and place for this procedure. The procedure will consist of written psychological tests and a psychological interview. Based on the above, a report will be prepared indicating the applicant's psychological fitness for the position.

This report will remain in the applicant's Internal Affairs confidential file and a copy will remain with the PSP. Results will be communicated to such command staff as determines the applicant's hiring, to the city's staffing

unit and to the applicant. Should the applicant disagree with these findings, he or she may follow the procedures defined in the section on Fitness for duty evaluation, above.

CRITICAL INCIDENTS

In the event of a critical incident, contact between the involved employee and the PSP will be mandatory. The PSP will be notified immediately by the employee's supervisor and shall arrange a time and place for this meeting to take place.

TRAINING

The PSP will be available for consultation with command staff for provision of any training that will benefit employees or Departmental operations. The PSP will provide stress management training for new recruits as a regular element in the Training Academy, and will provide such training for existing staff via in-service programs.

PSYCHOLOGICAL CONSULTATIONS

In the event of barricaded subjects, hostage negotiation, or any other circumstance where supervisory or line staff determine that psychological consultation services would benefit the situation, the PSP will be notified immediately via the Communications Center, direct telephone or pager, and will respond to the site for provision of such services. The PSP may be contacted directly by any employee for consultation in situations where a psychological/behavioral perspective will benefit criminal investigations.

Supervisory staff from other city departments may contact the PSP directly for consultation on situations that may require psychological services.

CONFIDENTIALITY

Specific content of counseling sessions between the PSP and employee is privileged except in the following circumstances:

- The PSP clinically determines the employee is a danger to self or others.
- The PSP clinically determines the employee is involved in or at immediate risk of involvement in child molestation.
- In a situation where the PSP becomes party to a legal action involving a client, in which case the principal of "limited waiver" of confidentiality where facts pertinent to the case may be revealed at the direction of the trial judge becomes applicable.

Any persons receiving information concerning an employee's counseling will be subject to these same rules of confidentiality. Violations will be subject to an Internal Affairs investigation and may result in disciplinary action as defined by the Personnel Privacy Act (N.C.G.S § 160A-168).

Steven W. Chalmers

Steven W. Chalmers
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **2006 R-3**

CAREER DEVELOPMENT

Effective Date: 12/15/1995	Revision Dates: R-1 09/01/2002; R-2 04/28/2004; **R-3 09/28/2011**

INTRODUCTION

Through career development activities, the upward mobility of all personnel may be enhanced with specific opportunities for professional growth and improved job performance. Career development includes educational as well as training advancement. All employees are encouraged to continue their education during non-duty hours to achieve at a minimum a bachelor's degree from an accredited college or university.

The Career Development Program is voluntary, and intended to assist sworn and non-sworn members to meet career goals. While the department strongly advocates participation, there will be no penalty for non-participation.

RESPONSIBILITY FOR CAREER DEVELOPMENT PROGRAM

The Administrative Services Assistant Chief maintains overall responsibility for the Career Development Program, and will ensure compliance with the guidelines established by this order. The Employee Services Unit coordinates program operations.

The principal components of the Career Development Program consist of career counseling provided by trained counselors, coordination of in-service career development training, and coordination of voluntary short-term training assignments for all personnel to Departmental units compatible with their general career interests.

CAREER DEVELOPMENT PROGRAM SERVICES

The Training and Personnel Services Division provides Departmental employees with the following services:

- Providing assistance upon request to employees to help them make well-informed decisions with respect to career paths appropriate to their career interests and abilities.
- Providing information and guidance to employees upon request regarding educational opportunities within and outside the department; maintaining an inventory of outside resources for career development training available to all supervisors and staff members.
- Coordinating annual career development counseling for all employees through the Individual Development Planning Worksheet to be completed by employees and supervisors during the annual performance appraisal.
- Coordinating selection processes within the department in cooperation with the City Human Resources and Equal Opportunity / Equity Assurance (EO/EA) Departments to ensure consistency and compliance

with policies and legal guidelines; ensuring the department retains the ability to make necessary staff replacements without appreciable loss of efficiency or interruptions of service.

- Coordinating the Voluntary Short-Term Training Program Maintaining updated job descriptions for all city classifications, internal job descriptions for all assignments, job task analyses for all police positions, and job standards for all assignments; providing access to these materials to all employees upon request.
- Reviewing sworn positions annually to determine if they should be designated as civilian to ensure that law enforcement officers are utilized effectively in positions requiring law enforcement authority.
- Evaluating the program annually and make changes in order to meet the needs of all police employees.

CAREER DEVELOPMENT COUNSELORS

The Employee Services Unit shall insure that all members who conduct career development counseling are appropriately trained. This training shall consist of at least the following areas:

- General counseling techniques;
- Techniques for assessing skills, knowledge, and abilities;
- Salary, benefits, and training opportunities of the Department;
- Educational opportunities and incentive programs;
- Awareness of the cultural background of ethnic groups in the Department;
- Record keeping techniques;
- Career development programs of other agencies; and
- The availability of outside resources.

VOLUNTARY SHORT-TERM TRAINING PROGRAM

Voluntary short-term training opportunities provide personnel with varied position experiences, technical skills not generally developed in the current assignment, and a greater understanding of and appreciation for the work done by other members of the organization. They can afford members opportunities for individual growth leading to improved job satisfaction and performance.

Assignments will last for a maximum of ninety days.

Areas of Training Available

- Community Service Division
- HEAT Team
- Criminal Investigations Division
- Special Operations Division
- Administrative Services Bureau units and offices
- Traffic Services Unit
- Warrant Unit

Eligibility

Sworn officers are eligible for short-term training assignment to sworn positions only. Non-sworn members are eligible for short-term training assignment to non-sworn positions only.

To be selected to participate in short-term training, volunteers must meet all of the requirements specified below:

- If sworn, must be at the rank of Police Officer or Master Officer.
- Must meet the performance standards for their regular duty assignments based on a rating of "meets expectations" or "exceeds expectations" on both the Job Results and Job Behaviors portion of their most recent evaluation.
- Must have at least two years' service since release to full duty (if sworn) or since hire date (if non-sworn).
- Must not have received any written reprimands or disciplinary suspensions for the twelve-month period immediately preceding the date their application is submitted.
- Cannot have participated in short-term training within the twelve (12) month period preceding application.
- Must never have worked in the assignment area requested.

Application and Selection Procedures

Personnel can apply for a short term assignment only when a division commander or manager advertises a short term development opening. Division commanders and managers may sponsor a short-term training assignment at any time by developing written plans detailing the duties to be performed by candidates, including:

- A general overview of the assignees' primary responsibilities and the reporting structure during the training.
- A planned approach for providing divisional and position orientation, pertinent career development goals, and performance criteria developed for evaluative purposes.
- An assessment of the knowledge, skills, and personal ability characteristics associated with successful performance within the area.
- An overview of any in-service training or on-the-job training schedules normally followed by the division, which are pertinent to career development assignments.

A description of the selection process must also be included with the plan. This plan must be presented to the Assistant Chief responsible for the training assignment area, who will approve it if the short-term training is beneficial to the Department. Once approved, an internal posting of the opportunity will be composed by the sponsor and distributed via All User E mail and memo. Applicants should complete a Short-Term Training Assignment Application (Attachment 1), obtain the signed approval of their District or Division Commander or manager and submit it to Employee Services. Employee Services will process all applications by determining the applicants' eligibility, and forwarding approved applications to the sponsor.

The sponsor will have oversight of the selection process and will forward a recommendation of the selected candidate to their Assistant Chief. Before a final selection is made, the Assistant Chief of the chosen candidate will make final determination that staffing is sufficient to allow the assignment, and may shorten, deny or defer the assignment at any point based on that finding.

Assignment Evaluations

Members completing short-term training will be evaluated by the sponsoring division commander or manager using the program standards developed in the written plan. Evaluations will be handled according to procedures for probationary or annual performance evaluations.

Timekeeping

Members selected for a short-term training assignment will submit all leave requests and time reports to their original timekeeper. All time documents will reflect the schedule and hours that prevail in the sponsoring division and unit.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **2007 R-1**

CLASSIFICATION OF PERSONNEL

Effective Date: 12/15/1995	Revision Dates: **R-1 07/25/2003**

INTRODUCTION

The City of Durham uses various methods to evaluate each classification annually to update the essential job functions and the skills, knowledge and ability required to meet them; to establish priorities and proficiency levels necessary to accomplish tasks, and to establish minimum requirements for employees. The Department will maintain up-to-date descriptions for each position within the agency that will be available upon request to all employees and supervisors.

RESPONSIBILITY FOR CLASSIFICATION

The Department follows guidelines established by the City of Durham, Human Resources Department, for position classification and reclassification. The Employee Services Unit monitors compliance with classification procedures, advises bureau commanders and employees on procedures to reclassify positions or individual employees, makes recommendations for civilianizing positions as needed, and serves as liaison between Human Resources and police personnel.

TASK ANALYSIS

A Job Task Analysis of each position shall periodically be completed by Employee Services to provide input to Human Resources for determining position classifications and compensation; and is used by the department in establishing minimum departmental requirements for recruitment and selection, and in providing guidance to employees and their supervisors concerning the essential job functions of individual positions.

RECLASSIFICATION

Employee Services will provide information and counseling on classification and reclassification procedures to employees and supervisors as requested. Reclassifications should be initiated in cases where job duties are changed or expanded.

Requests for reclassification of individuals may be submitted to Human Resources. The request may come from the employees through their chain of command at any time during the year, or during annual reclassification be sent directly to Human Resources. Human Resources will review the job duties of the employee, conduct interviews with the employee and co-workers, and make a recommendation as to whether or not the individual employee should be reclassified.

In addition, Human Resources reviews each City classification once every three years through group and/or individual employee interviews, super-visor interviews, direct observation, justifications written by employees and/or supervisors, and questionnaires.

Responsibility for approving classifications or proposals for reclassification of positions rests with the City Manager and City Council.

INTERNAL JOB DESCRIPTIONS

Each division within the department will compile an internal job description listing of the duties and responsibilities of each position within the division. These listings will include the tasks required for the position, frequency with which tasks are performed, and general qualifications required to perform the work. The internal job descriptions are a supplement to the task analyses and City job descriptions. Copies will be maintained within each division handbook.

Employee Services maintains on file a listing of all City job descriptions and all internal job descriptions that includes duties and responsibilities for each position, standards for performance, frequency of performance, salary schedule, and directions for reclassification. The information is available to all employees upon request. Positions outlined in the notebook and compensation plan are grouped into classes of rank or title based on similarities of duties, responsibilities, and qualification requirements.

RECLASSIFICATION OF POSITIONS - SWORN TO CIVILIAN

Employee Services shall periodically review all positions held by sworn personnel to determine if they should be designated as civilian. The review will be designed to ensure that law enforcement officers are not assigned to positions not requiring law enforcement authority. The review will include written recommendation to the Chief of Police regarding any sworn personnel who could be better used in a law enforcement capacity.

Steven W. Chalmers

Steven W. Chalmers
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **2008 R-2**

RECRUITMENT/SELECTION OF NON-SWORN PERSONNEL

Effective Date: 12/15/1995	Revision Dates: R-1 01/10/2005; **R-2 02/09/2010**

INTRODUCTION

The City of Durham and the Police Department ensures that equal opportunity is afforded to everyone in all conditions of employment and that all State guidelines and City procedures as outlined in PER-301 are followed with regard to recruiting and selection. Special attention is given to filling positions in need of females and minorities.

RESPONSIBILITY FOR SELECTION

Selection for non-sworn positions, including regular full and part-time, temporary, emergency-hire, and volunteer/student intern positions, will be coordinated by Employee Services in cooperation with affected supervisors and the City Human Resources Department. Final decisions regarding selection are the responsibility of the Chief of Police with approval of the City Manager.

APPLICATION AND SELECTION PROCEDURES

Employee Services will coordinate the following procedures:

1. Application materials are submitted by applicant to Human Resources for initial screening to determine eligibility, after which they will be forwarded to Employee Services.
2. A selection process approved by Chief of Police will be held for all applicants submitted by Human Resources. Applicants will not be rejected due to minor deficiencies in their application materials that can be corrected during the selection process. The supervisor will submit a recommendation for hire to Chief of Police, along with a justification and all process materials and applications. Prior to approval, Employee Services will review the process for accuracy, job relatedness, and compliance with legal requirements and City procedures.
3. After the selection process is completed, Employee Services will review the supervisor's recommendation to the Chief of Police, check scoring for accuracy, and verify adherence to the process as approved by the Chief. The signed recommendation will include justification for selection/non-selection. A copy will be provided to Human Resources and the original retained with the process file in Employee Services.
4. A background investigation will be held for the recommended applicant which includes the following:
   - Preliminary Interview: Applicants will be required to furnish a photocopy of birth certificate or naturalization papers, certified copy of high school transcripts/GED and any academic record above

high school, photocopy of military service discharge / Form DD-214, photograph, photocopy of driver's license and social security card, and notarized Authorization and Release Form.

- Social Security Administration Verification
- Criminal History Check (NCIC/DCI/DMV/Records)
- Credit Check
- Education Verification
- Military History Verification
- Human Resources Check for Prior Application/City Employment (if previous City employee, verify that applicant was not terminated for drug use within last 12 months
- Prior Residences
- Prior Employers
- Given and Developed Reference Checks
- Spouse/Significant Other Interview, if applicable

Rejection guidelines, as outlined in General Order 2009, will be followed for all applicants.

5. City approvals and conditional offer will be coordinated by Employee Services after successful completion of background investigation.
6. A medical examination and drug screen conducted by the City's medical services providers are required for all applicants except volunteers/student interns.
7. A psychological examination is required for all applicants except volunteers/student interns
8. A polygraph examination is required for all Forensics positions and will be coordinated by the Forensics supervisor
9. New-hire procedures and start date will be coordinated with hiring supervisor and applicant.

DISPLACEMENTS FROM OTHER CITY DEPARTMENTS

In some cases, there may be city employees being displaced from their positions who meet eligibility requirements for departmental vacancies. These employees will be interviewed prior to any other applicant for the position. After their qualification is verified by the hiring supervisor, these employees will have the first opportunity for selection and may be directed immediately to Recruitment for initiation of a background investigation. All other selection procedures will then be followed as indicated above.

In cases of medical displacement, Employee Services will send a job description for the vacant position to the City's medical services provider to verify applicant ability to perform the essential job functions prior to the supervisor interview of the displaced employee.

In cases where the vacant position would be a promotion, the applicant will be interviewed with other applicants and compete for the position (see guidelines in City Policy PER-306 and PER-710).

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **2009 R-7**

RECRUITMENT & SELECTION OF POLICE OFFICERS

Effective Date: 12/15/1995	Revision Dates: R-1 05/16/1997; R-2 09/01/2002; R-3 02/01/2003; R-4 04/28/2004; R-5 01/10/2005; R-6 11/10/2010; **R-7 10/12/2015**

INTRODUCTION

The Durham Police Department in conjunction with the City of Durham 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. Department employees have a vested interest in the recruitment of quality personnel, and employees are encouraged to participate in the recruitment process.

The Department maintains a Recruiting Unit to oversee the recruitment and selection process and to serve as a liaison between the candidate and the agency. This unit will maintain a recruitment plan to attract candidates with diverse demographics and backgrounds.

The City of Durham is an Equal Opportunity Employer whose policy (HRM-203) is available to all employees via PowerDMS or City Intranet.

DEFINITIONS

Inexperienced Applicants - Any applicants that do not meet the standards to be a lateral transfer applicant or a certified applicant.

Lateral Transfer Applicants - Officers with two or more years of full-time, paid law enforcement experience may be hired at a higher rate than inexperienced officers. Due to regulations of the North Carolina Criminal Justice Education and Training Standards Commission, officers may not use experience as a federal or military police officer to count towards meeting any of the requirements to be considered a lateral transfer officer.

Lateral transfer applicants must meet the following standards:

In-State Lateral Transfer Applicants:

- Have a General Certification as a police officer from the North Carolina Criminal Justice Education and Training Standards Commission; or Hold a General Certification as a deputy sheriff from the North Carolina Sheriff's Education and Training Standards Commission; and
- Have less than a 12-month break in service from their last law enforcement job.

Out-of-State Lateral Transfer Applicants:

- Have at least two years of full time, paid sworn law enforcement experience;

- Have completed a basic law enforcement training course that is accredited by the state from which they are transferring; and
- Have less than a 12-month break in service from their last law enforcement job.

Certified applicants - certified applicants are those who:

- Hold a Probationary Certification as a police officer from the North Carolina Criminal Justice Education and Training Standards Commission; or
- Hold a Probationary Certification as a deputy sheriff from the North Carolina Sheriff's Education and Training Standards Commission; or
- Have graduated from a Basic Law Enforcement Training (BLET) academy and are eligible for either of the above certifications.

REAPPOINTMENT OF FORMER DURHAM POLICE OFFICERS

If the applicant is still certified with the North Carolina Criminal Justice Education and Training Standards Commission or is eligible for such certification, and has successfully passed the background investigation and Final Testing, then he or she may be reinstated.

Applicants for reappointment who do not meet the certification applicant criteria due to extensive time lapses or other issues may still be hired, but must be hired as an inexperienced applicant.

REQUIREMENTS OF ALL POLICE OFFICER APPLICANTS

All police applicants, including Inexperienced, Lateral, Certified, Reappointment, and Inexperienced Reserve Officers will be subject to the same selection process and procedures Recruiting Unit SOP Manual 7.2 establishes the specific procedures utilized during the selection process. The selection process is comprised of multiples steps that must be completed by applicants including:

- All forms required by the Department and the State must be completed by the supplied due date;
- Applicants must maintain contact with the Recruiting Unit as instructed;
- Applicants must successfully complete a written and fitness test to determine their ability to fully participate in all scholastic and physical activities in the academy. Failure to successfully complete the written and/or fitness test will prevent an applicant from participating in the selection process;
- Applicants who successfully complete the written and fitness test may be subject to a comprehensive background check that evaluates each candidate to ensure they meet all of the requirements needed for the minimum standards to obtain a NC Law Enforcement Officer certification;
- Select applicants will appear before an interview board where their communication, problem solving skills and articulated experience will be reviewed;
- If an applicant is presented with a conditional offer of hire, they must successfully complete a medical exam, psychological evaluation, polygraph test and drug test before being hired.

The Recruiting Unit members are available to provide information regarding the application and selection process. Information about the selection process will be made accessible through the Department's web site and at recruiting events. Individuals interested in applying to be a police officer should be referred to the recruiting section of the Department's website or a member of the Unit.

ACADEMY TRAINING

Inexperienced recruits must successfully complete BLET and all of the post-BLET training prescribed by the Training Division.

Certified, reappointed and lateral transfer recruits will be evaluated with regard to their training and certification status. The Training Division will work the NC Criminal Justice & Training Standards Commission to determine the most appropriate training program necessary to meet all state certification requirements and Department training standards.

SUPPORTING RECRUITING EFFORTS

All members of the department play a vital role in the recruitment of qualified candidates. Maintaining a high level of professionalism will help attract qualified candidates to the department. Department members may also support recruiting efforts in the following ways:

Ambassador Recruiting Program

The Ambassador Recruiting Program has been developed for the purpose of engaging police officers to represent the department at recruiting events using the officer's community connections to more effectively **ENGAGE** with potential police applicants. Program participants will provide the Recruiting Unit with a list of schools and organizations that they have a connection with. It is critical that program participants have strong public speaking skills and are able to present themselves and the department in way that generates interest in working for the Department.

Sworn officers interested in participating in recruitment activities may request, through their chain of command, to participate in the Program. To participate in this program, members must have received an overall rating of meets or exceeds expectations on their most recent performance appraisal. Members of this program will receive training regarding the recruitment and selection process. After this training has been conducted, the officer may then be asked to participate in recruiting events. When the request to attend a specific event has been received, officers will forward the request to their supervisor for approval.

Testing Assistance

Periodically the Recruiting Unit may request assistance with administering tests or oral board interviews. If additional staffing is needed to proctor a test, the Recruiting Unit will ask for permission to solicit assistance through the chain of command. Any member assisting with testing will be given instructions and expectations for their role by the Recruiting Unit.

Oral Review Board Officers

When the Recruiting Unit is ready to hold an oral interview board for selected candidates, they will solicit for interested board participants. Officers who want to participate in the oral board interview must obtain supervisor approval prior to contacting the recruiting unit. Selected participants will follow all instructions, procedures and complete paperwork provided by the Recruiting Unit. Following the interviews, participants must maintain the confidentiality of any results or recommendations made.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **2010 R-14**

PROMOTIONS & APPOINTMENTS

Effective Date: 12/15/1995	Revision Dates: R-1 05/16/1997; R-2 04/01/1999; R-3 04/26/1999; R-4 04/15/2001; R-5 01/10/2005; R-6 06/05/2009; R-7 02/09/2010; R-8 04/06/2010; R-9 11/30/2011; R-10 11/02/2012; R-11 07/08/2013; R-12 04/04/2014; R-13 11/26/2014; **R-14 07/29/2016**

INTRODUCTION

The Durham Police Department shall establish promotion and appointment processes, approved by the Chief of Police, designed to evaluate the promotion potential of each eligible candidate. The Department shall ensure that fair and equitable treatment is afforded to all employees in promotions and appointments, and will follow all City personnel policies and procedures. The Police Department Employee Services Unit shall (ESU) coordinate promotion processes, with the approval of the City Human Resources Department (City HR). The promotion process for each of the following positions differs:

- Deputy Chief, Assistant Chief, Captain
- Lieutenant, Sergeant, Corporal
- Non-sworn personnel

Authority for decisions regarding promotion and appointment rests with the Chief of Police. Modifications or exceptions to this General Order may be made at the discretion of the Chief of Police. Temporary or acting assignments are not considered promotions.

APPOINTMENTS

Executive Command Staff (Deputy Chiefs, Assistant Chiefs) and Captains shall be promoted by appointment of the Chief of Police. Such promotions are based on non-competitive selection processes. ESU and City HR will coordinate the process.

NOTIFICATION OF SWORN PROMOTIONAL PROCESS

The Chief of Police shall issue a memorandum to all personnel, announcing sworn position promotion opportunities, including procedures and deadlines for submitting applications. Announcements will be for specific vacancies, either existing or anticipated by Police Administration, at the time the process starts. ESU, in conjunction with City HR, shall coordinate such announcements.

Announcements shall include the duties and responsibilities of the position; a schedule of dates, times, and locations for all elements in the process; eligibility requirements; and selection criteria. Supervisors shall ensure that all eligible personnel under their supervision receive copies of the announcement.

ESU, in conjunction with City HR will ensure that all elements used to evaluate sworn personnel for promotions are job related and non-discriminatory.

PROMOTION OF NON-SWORN PERSONNEL

ESU shall coordinate the posting and promotion process with Supervisors, as the Chief of Police approves, and in conjunction with City HR. The process shall comport with City policy.

PROMOTION PROCESSES FOR SWORN EMPLOYEES

To be considered for promotion, promotion-eligible Officers shall complete and submit to ESU all required paperwork before the application deadline.

All elements of every promotional process shall be outlined thoroughly in the promotion written announcement, including the possible use of assessment centers. Reading lists for promotion examinations shall be made available to eligible Officers sufficiently in advance of the examinations, assessment centers, and other promotion process-related activities.

Police Department Staff or outside consultants may conduct assessment centers. The centers may include structured interviews; in-basket exercises; group activities; role plays; employee counseling; problem solving; presentations; written examinations; and any other activity that is a valid and appropriate gauge of fitness for promotion.

Trained assessors shall rate every element of an assessment center **based upon identical criteria** for each candidate for promotion. Each component of the selection process shall result in a numerical score for comparison purposes and overall ratings. ESU shall maintain copies of all promotion-related materials in a secured and locked location to prevent unauthorized access.

Each competitive promotional process shall result in an eligibility list. Promotions shall be made from those lists, in numerical rank order, up to a cut-off number which the Chief of Police designates. The list shall be in effect for 18 months, or until the list is exhausted, whichever occurs first.

The Chief of Police may alter the expiration date of any eligibility list, as he or she deems appropriate. Officers not promoted from the current eligibility list, and those whose scores place the below the cut-off score, may re-apply and re-test for the next posted promotion process if all eligibility requirements are met.

SALARY INCREASE AND ANNIVERSARY DATE

Officers promoted or appointed to new positions shall be compensated based on the City of Durham Police Compensation Plan. If an employee's salary is increased to the minimum of his/her new pay band, then his/her education incentive pay shall also be recalculated. Anniversary dates of officers promoted to Corporal, Sergeant, Lieutenant or Captain will not change. When a Captain is promoted to the rank of Assistant Chief, the anniversary date changes to the non-sworn evaluation and pay raise cycle of July 1.

PROBATIONARY PERIOD

All promoted and appointed employees (sworn and non-sworn) are subject to a six-month probation period, starting on the promotion, appointment, or reassignment date. The probation period may be extended for a maximum of three months, based on performance, and at the Supervisor's discretion, and on the Chief's

approval. Upon completion of the six-month probation period, each promoted, appointed, or reassigned employee shall be evaluated for performance only, and not for any pay increase.

PENDING DISCIPLINARY ACTION

If a candidate for promotion has a pending administrative investigation which, if sustained, could reasonably result in termination, demotion or suspension, the employee shall not be promoted until the administrative investigation is completed, any recommended discipline is satisfied, An employee who was passed over for a promotion due to pending disciplinary action but, following the conclusion of any related administrative action, remains eligible for promotion, shall be promoted when the next vacancy occurs.

DEMOTIONS

An employee of any rank may request a voluntary demotion. The written request must be submitted to the Chief of Police through the chain of command. Voluntary demotions can only be granted if there is an available vacancy in the position the employee is being demoted to and the demotion does not adversely affect department operations.

Except for voluntary demotions, Officers who have been demoted may not apply for promotion, participate in any promotion process, or apply for transfer to any special service unit for two years after the date of demotion.

DISQUALIFICATION

Dishonesty or cheating in any portion of a selection process shall be grounds for an Officer's summary elimination from a selection process. Any person so involved shall be subject to disciplinary action.

APPEAL OF PROMOTION AND APPOINTMENT PROCESS

Every employee has the right to appeal any aspect of the promotion and appointment processes. The appeal can take three forms:

- An employee may request career development assistance regarding performance from ESU, City HR, or a source that the Chief of Police designates.
- An employee may submit a written appeal to the Chief of Police, indicating the specific nature of the appeal. The Chief shall designate an impartial person, within or outside the Police Department, to review the appeal.
- An employee may appeal to City Employee Relations or follow the complaint hearing procedures described City policy HRM 322(4) (B).

RANK REQUIREMENTS

Master Officer

Guidelines and Eligibility

The Master Officer (MO) designation and job class is being phased out, and replaced with the Master Patrol Officer (MPO) designation, described below. Current Master Officers shall retain their status unless or until any Master Officer chooses to qualify for MPO, is promoted to Corporal, or otherwise becomes ineligible for the MO designation. No additional Master Officer appointments were made after May 18, 2011.

Current Master Officers, however, are subject to the demotion and re-training guideline listed in this Section, below.

Demotions of Master Officers

The Chief of Police may remove a Master Officers designation and pay supplement for any of the following:

- Disciplinary action
- A lapsed North Carolina General Instructor's Certification if that was used to satisfy an original qualification for the designation, unless the MO has completed another portion of the MO qualification set.
- Failure to complete annual Uniform Patrol retraining, described below.

Master Officer Patrol Re-training

Every MO not assigned to District Patrol, the Canine Unit, Traffic Services Unit or the Desk must complete annually a six-day assignment in the modified DuPont schedule (three days on duty; one day off; three nights on duty), without any absences during the rotation. If illness, injury, family matters, or other confirmed reason prevent the MO from completing the 6-duty-day rotation, the MO must complete the rotation before returning to his/her usual assignment.

Training must be completed by December 31 of each year.

The MO may request to patrol alone if the Patrol Supervisor agrees.

To schedule annual Patrol retraining:

- The MO must obtain his/her current Supervisor's permission to go to Patrol on the dates to be scheduled.
- Each MO must submit a written schedule to the Training Division by February 1 of each year.
- The Training Division shall coordinate all retraining schedules, ensuring that staffing levels are appropriate in Patrol and the MOs' units as the result of retraining.
- Unit Supervisors are responsible for reallocating workloads when MOs are being retrained. Master Officers may take two days off during the retraining rotation without having to make them up. Any such days off beyond two must be made up during the next Patrol cycle when the MO is on duty. Such time off shall not count against the squad that has MOs in its vacation book.

The Patrol Supervisor who absorbs an MO to be retrained shall complete a Master Officer Evaluation form at the end of the MO's rotation, and send it to the MO's usual Unit Supervisor. Such evaluation shall be appended to the MO's annual performance evaluation, along with quarterly coaching forms.

Master Patrol Officer

Guidelines and Eligibility

The new designation of Master Patrol Officer (MPO) is available to uniformed Patrol Officers who are assigned to a District and those seeking MPO status while assigned to non-patrol Units. Any Officer appointed to the designation will be assigned only to Patrol.

The MPO designation differs materially from the MO designation. Anyone who is appointed to MPO shall receive a 3% pay increase over his/her current pay.

The MPO shall be a resource and guide for squad-level Supervisors and Officers. The position requires specialized training, experience, and certification; and those appointed to MPO shall be held to higher performance standards than those required of Patrol Officers.

In addition to patrol duties, MPOs shall assist with DWI processing, including routinely conducting field sobriety checks for other Officers; BACV or breathalyzer testing; and radar/laser enforcement in identified problem areas. Other examples of typical MPO tasks include: foot patrol in areas experiencing patterns of thefts from vehicles; and license checks in areas affected by recent shootings or violence. This is not an exhaustive list of the MPOs' duties.

MPOs shall assume leadership roles to initiate problem-solving-based directed patrol, and otherwise serve as mentor and advisor to less-experienced Patrol Officers.

When appointed to MPO, an Officer may stay in his/her current assignment, or request transfer to another Patrol District without losing the MPO designation.

Eligibility Requirements – Master Police Officer

- 7 years' continuous service as a sworn Officer by the application deadline, 5 of which must have been with the Durham Police Department.
- Overall performance evaluation of "meets expectations" or "exceeds expectations" on the last three preceding the application deadline.
- Disciplinary Disqualification: No applicant for MPO designation may have two or more sustained complaints resulting in a written reprimand or higher, within the calendar year preceding the application deadline. An applicant for MPO may apply for MPO designation only after one year from the date of the last disciplinary action before applying.
- Successful course completion/certification in all of the following:
    - The Police Law Institute of the North Carolina Justice Academy
    - North Carolina Speed Measurement Instrument Operator
    - North Carolina Chemical Analyst
    - DWI Detection
    - Drug Enforcement for Patrol Officers

PTO Assignment ~ An MPO can serve as a Patrol Training Officer (PTO), if the Training Division selects the MPO. As an active PTO, the MPO's primary responsibility is the PTO duties. While serving as a PTO, the MPO must maintain radar and chemical analyst certifications. The MPO shall be paid at 4% for PTO duties, rather than the 3% he/she would receive as an MPO.

APPLICATION AND APPOINTMENT PROCESS

Those who have met all eligibility requirements may apply for MPO designation.

- The appropriate application form is Internal Application form, found on the City's Intranet, or available in the ESU.
- Completed applications, with accompanying proof of certifications and required course attendance, are to be returned to ESU by the deadline.
- ESU staff will review the application packets to verify qualifications, and rank them by total DPD seniority.

- ESU staff will send eligible Officers' packets to the Chief of Police or his/her designee for review and possible approval.
- ESU will notify those who do not currently meet eligibility requirements, and identify which requirements have not been met. Applicants who later meet eligibility requirements may re-apply for MPO designation at that time. Application packets may be updated at any time by sending proof of certification or course completion to ESU, which will keep all pending or denied applications.
- If there are no MPO vacancies when an Officer applies for the designation, ESU will keep and maintain the application packets until there is a vacancy.

LOSS OF MASTER PATROL OFFICER STATUS:

A Master Patrol Officer shall lose his/her designation and associated pay enhancement for any of the following:

- Transfer to a non-patrol specialized assignment (e.g., HEAT, CID, SOD, Bike Unit, etc.). In this case only, reapplication is permitted when former MPO returns to District Patrol.
- Promotion to the rank of Corporal.
- Failure to maintain a "meets expectations" or "exceeds expectations" on annual Performance Evaluation.
- Failure to maintain current certification in MPO eligibility criteria.
- Disciplinary action, at the sole discretion of the Chief of Police.

Police Corporal

Eligibility Requirements

- Time in Grade: three (3) years' continuous service as a DPD Officer immediately prior to the written test date. For this purpose, time in grade is calculated from the date an Officer completes unaccompanied FTO patrol to the date of the Corporal's written test.
- Overall rating as "meets expectations" or "exceeds expectations" on the two performance evaluations immediately preceding the written test date.

Disciplinary disqualification: When disciplinary action is imposed, any Officer who has been prohibited from participating in the Corporal selection process because of disciplinary action shall be informed of the duration of such ban.

Newly promoted corporals will return to uniform patrol for a minimum of six (6) months unless the staffing needs of the department require otherwise.

Police Sergeant

ELIGIBILITY REQUIREMENTS

- Time in Grade: two (2) years' continuous service as a DPD Corporal immediately prior to the Sergeant's written test date.
- Overall rating as "meets expectations" or "exceeds expectations" on the two performance evaluations immediately preceding the written test date.

Disciplinary disqualification: When disciplinary action is imposed, any Corporal who has been prohibited from participating in the Sergeant selection process because of disciplinary action shall be informed of the duration of such ban.

Newly promoted sergeants will return to uniform patrol for a minimum of six (6) months unless the staffing needs of the department require otherwise.

Police Lieutenant

Eligibility Requirements

- Time in Grade: one (1) year's continuous service as a DPD Sergeant immediately prior to the first scheduled assessment center exercise, or the first component of the Lieutenant selection process.
- Overall rating as "meets expectations" or "exceeds expectations" on the two performance evaluations immediately preceding the first scheduled selection process activity date.
- Either an Associate's degree or 60 credit hours from an accredited college or university at the time of the first scheduled activity in the selection process.

Disciplinary disqualification: When disciplinary action is imposed, any Sergeant who has been prohibited from participating in the Lieutenant selection process because of disciplinary action shall be informed of the duration of such ban.

Police Captain

ELIGIBILITY REQUIREMENTS

- Time in Grade: one (1) year's continuous service as a DPD Lieutenant immediately prior to the first scheduled component of the Captain selection process. That is typically the project due date, not the interview.
- Overall rating as "meets expectations" or "exceeds expectations" on the two performance evaluations immediately preceding the first scheduled selection process activity date.
- A baccalaureate degree from an accredited college or university by the project deadline.

Disciplinary disqualification: When disciplinary action is imposed, any Lieutenant who has been prohibited from participating in the Captain selection process because of disciplinary action shall be informed of the duration of such ban.

Assistant Chief

Eligibility Requirements

- Time in Grade: one (1) year's continuous service as a DPD Captain immediately prior to the first scheduled component of the Assistant Chief selection process.
- Overall rating as "meets expectations" or "exceeds expectations" on the three performance evaluations immediately preceding the application deadline.
- A baccalaureate degree from an accredited college or university by the application deadline.

Disciplinary disqualification: When disciplinary action is imposed, any Captain who has been prohibited from participating in the Assistant Chief selection process because of disciplinary action shall be informed of the duration of such ban.

Deputy Chief

Eligibility Requirements

- Must be a DPD Assistant Chief prior to the first scheduled component of the Deputy Chief selection process.
- Overall rating as “meets expectations” or “exceeds expectations” on the three performance evaluations immediately preceding the application deadline.

Disciplinary disqualification: When disciplinary action is imposed, any Assistant Chief who has been prohibited from participating in the Deputy Chief selection process because of disciplinary action shall be informed of the duration of such ban.

Cerelyn J. Davis
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **2011 R-3**

DISPUTE PROCEDURES

Effective Date: 12/15/1995	Revision Dates: R-1 02/09/2010; R-2 10/08/2012; **R-3 01/23/2017**

INTRODUCTION

All departmental employees, both sworn and non-sworn are expected to follow the policies of the City of Durham and the policies of the Durham Police Department. When misunderstandings and disagreements occur, employees have various recourses beginning with informal discussions with supervisors. Employees are encouraged to resolve disputes within their chain of command, if possible. If the misunderstandings or disagreements cannot be resolved within the employee's chain of command, then they may follow the procedures outlined in the HRM-323 - Grievance Policy.

MEDIATED DISPUTES

The first step after a disagreement, or after employees become aware of an unfavorable decision or condition, should be informal discussion between employees and immediate supervisors.

Employees may initiate internal complaint procedures through Employee Services. Employees must make their complaint within ten (10) calendar days after receipt of disagreeable action. Supervisors should respond to internal complaints promptly, and must respond within fourteen (14) calendar days.

There are two internal Police Department complaint options for employees. There will be no reprisals to employees exercising these options, and any attempt at reprisal should be reported to Employee Services.

Option 1: Employees may consult with an Employee Services staff member to discuss the concern. Employee Services will counsel employees about various avenues available to them, keep records about the problem, monitor progress made toward resolution, and ensure that answers are given to employees within fourteen (14) calendar days.

Option 2: By order of the Chief of Police, employees may write a memo outlining their problem to the Chief of Police through their chain of command, and include a copy to Employee Services. Each supervisor in the chain of command will have an opportunity to address the concern and attach a written response. The Chief of Police will review the memos and attached responses and either confirm a proposed resolution or initiate a response. Employee Services will keep records of each memo, verify that the Chief of Police receives a copy, monitor progress toward resolution, and ensure that employees receive a response within fourteen (14) calendar days.

Internal complaints to the Chief of Police should be written clearly and concisely, and include what happened, when it happened, who was involved, the cause of dissatisfaction, and the resolution sought.

Employee Services members or supervisors hearing an internal complaint shall note the date, time, and name of the employee with the misunderstanding/disagreement, analyze and investigate the facts or allegations, affirm

or deny in writing the allegations in the complaint, and identify any remedy or adjustment resulting from the complaint within the time frames indicated. Employee Services members who receive a complaint that involves a potential violation of either City or Department policies and procedures shall consult with the Professional Standards Division prior to initiating an investigation to ensure the appropriate Division conducts the investigation.

GRIEVANCE AND MEDIATION COMPLAINT PROCEDURES

This general order is intended to supplement and not to replace City remedies for complaint mediation and grievance. Grievances and complaints are filed with the City Human Resources Department in compliance with City Policy HRM 323. All grievances must be filed within 10 calendar days of the grievable action taking place. The only actions that are grievable are suspension, demotion, and termination. Employees may file complaints for other misunderstandings and disagreements by following internal complaint options listing in this G.O. or through City Policy HRM 323 - Grievance Policy.

COMPLAINT AND GRIEVANCE RECORDS

Records for internal complaints filed by police members and for the police response to member complaints will be maintained in Employee Services. Grievance and complaint mediation records will be securely maintained by the City Human Resources Department. City Human Resources will also analyze all grievance materials annually to establish patterns and initiate remedies to minimize the potential for future grievances.

Cerelyn J. Davis
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **2012 R-5**

POLICE TRAINING OFFICER PROGRAM

Effective Date: 03/01/1996	Revision Dates: R-1 12/05/2003; R-2 04/28/2004; R-3 03/11/2009; R-4 05/27/2009; **R-5 02/18/2015**

INTRODUCTION

The Durham Police Department maintains a Police Training Officers Program to enhance the skills of new sworn officers to the Department. The Department mandates this phase of training for both recruit officers and lateral transfer officers. Additional information concerning the Police Training Program can be found in the Police Training Officer Manual.

PROGRAM OBJECTIVES

The Police Training Officer Program (hereafter referred to as "the Program") is designed to provide recent academy graduates and newly hired police officers the opportunity to utilize the practical skills, knowledge and abilities learned in classroom training under the guidance of experienced officers. Using the framework in the COPS Police Training Program methodology, the Department seeks to expand on the basic patrol responsibilities and skills obtained during field training. In addition to patrol techniques, the program engages new officers in developing leadership and problem-solving skills so they may provide quality, responsible community-based police services upon completion of the program.

The Department's application of the provided framework will be reviewed annually by the Training Division to ensure that all training objectives are being met. Any changes made to the framework will be communicated in a written directive as prescribed by General Order 1002 Written Directives.

RESPONSIBILITIES

The Program will be coordinated through the Training Division. The Training Commander oversees the management and operation of the program. Specific duties are assigned as follows:

Police Training Coordinator

A Police Training Coordinator (PTC) will be responsible for the overall development and implementation of the entire Program. The PTC is the liaison for the recruits, the Police Training Officers (PTOs), the Police Training Supervisors (PTS) and the Training Commander. The Police Training Coordinator ensures that all requirements and training are met. The PTC determines the need for additional PTOs and oversees the selection process.

Police Training Supervisor

Each squad will have an assigned Police Training Supervisor (PTS) who will manage the daily operation of the Program on their squad. These management responsibilities will be conducted in addition to their regularly assigned duties. PTSs will assist the PTC in assigning recruit officers to PTOs and ensure that all required paperwork is collected and forwarded to the PTC.

Squad Sergeant

Squad Sergeants are responsible for shift operations of all officers in their squad, including the PTO and the recruit.

Police Training Officers

Police Training Officers (PTOs) are selected from officers, Master Officers, Master Patrol Officers, and Corporals assigned to district beat patrol to train recruit officers. This is an incentive based voluntary assignment. These PTOs shall be trained in accordance with the PTO Training Standards to implement the program objectives directly with recruits.

Police Training Evaluator

Police Training Evaluator (PTE) is a PTO that is assigned by the Police Training Coordinator to evaluate recruit officers during certain periods of their training. Evaluation periods are the midterm and final evaluation weeks.

Board of Evaluators

The Board of Evaluators (BOE) assists the Police Training Coordinator in evaluating PTOs and recruit officers in reference to their performance.

When necessary, the BOE will convene to review:

- Recruit reports and performance,
- PTO performance and compliance with program requirements,
- Complaints/violations by PTOs, and/or recruits, and
- Final evaluation of recruits for release from police training status.

The BOE will provide written recommendations to the Police Training Coordinator on their findings regarding training, remedial training or termination of a recruit officer or PTO from the training program. The PTC or the Training Division Commander may request the BOE to convene for matters regarding the program that are not listed above if necessary.

ADJUSTMENT OF THE ASSIGNMENT OF POLICE TRAINING OFFICERS

Depending on the demands of any given recruit class, the Department may need to adjust the squad assignments of Police Training Officers. If adjustments are necessary Training will coordinate those changes with the affected Division Commanders. Whenever it is necessary reassignments will be handled in accordance with General Order 2014 Assignments & Transfers.

POLICE TRAINING OFFICER SELECTION & STATUS

The need for new PTOs will be assessed at the commencement of each academy class. If it is determined that the current number of PTOs may not be sufficient to provide training for the current class, then a selection process for new PTOs will be initiated.

Officers interested in becoming PTOs should inform their supervisors of their interested during the course of their career planning process. The Training Division will notify patrol supervisors that a selection process has been implemented and solicit recommendations for new PTOs. Supervisor shall submit recommendation letters to the Police Training Coordinator. In order to be selected, recommended officers must:

- Meet the appropriate time-in-service standard by having completed eighteen (18) months of continuous service with the Department from the date of their release from all field training. Lateral and re-hired Officers with less than eighteen (18) months of continuous service from the date of release from all field training may be considered on a case-by case basis by the Training Division Commander.
- Understand and agree to all of the training and program standards established by the program and found herein this general order.
- Successfully complete a review of their knowledge, skills and abilities conducted by a panel of department PTOs. This panel will be appointed by the Training Division.

All PTOs must complete an initial training course from an approved Police Training Officer school before becoming an active PTO. All active PTOs will participate in program update meetings and trainings coordinated by the Training Division.

Officers selected as PTOs will retain that status and will remain available for use in the Program unless they:

- Are promoted or transferred to a non-patrol function;
- Voluntarily relinquish their status; (or)
- Their status is suspended or revoked.

Any time an officer serving as a PTO receives a suspension or a reprimand their status as a PTO will be reviewed and determined by the PTC. Any change of status may be appealed in writing to the Training Commander.

POLICE TRAINING OFFICER PERFORMANCE EVALUATIONS

The performance of the PTOs is evaluated on an on-going basis by the Police Training Supervisors and the Police Training Coordinator. Concerns regarding a PTO's performance or training methods will be discussed and addressed as soon as practically possible with the PTO. The PTC may recommend to the Training Commander that a PTO's status be revoked or suspended based on an evaluation of their performance throughout the training process. Factors that may be considered in this recommendation include observed patterns of poor training methods, non-conformity to the Police Training Officer Manual, reports that assigned recruits are not receiving the prescribed training or concerns raised to the PTC by members of the Department. Any concerns regarding the PTO's performance or professionalism will be documented to the PTO's supervisor, including communications with the PTO about correcting performance deficiencies.

After a PTO has completed a training cycle with a recruit, they're performance as PTOs will be evaluated by the PTC. These individual PTO evaluations will be submitted to the Training Division Commander and a copy will be forwarded to each PTOs immediate supervisor.

COMPENSATION

The Department, in recognition of the additional workload and responsibility that comes with performing as a Police Training Officer, provides for the additional compensation and compensatory time. Corporals and Master Officers are not eligible for this additional compensation.

ASSIGNMENTS OF RECRUITS

The assignment of recruit officers to PTOs will be made by the Training Division with input from Police Training Supervisors, based on the strengths and weaknesses of each PTO and recruit.

Prior to the completion of the Police Academy or upon acceptance of a conditional offer for lateral candidates, the Training Division will assign each recruit to a PTO. The assignment process will allow for feedback regarding the assignments from the PTSs, the PTO's current supervisor and the BOE. Assignments will be posted prior to the academy graduation or the official first day of a lateral transfer. If a PTO identifies a potential conflict with an assignment they will notify, the PTC of the conflict in writing.

Mid-program changes to assignments will be addressed on an as needed basis in consultation with the PTS and the PTC.

ADMINISTRATION

The Program is divided into an integration period, four phases, and two evaluation periods and an unaccompanied training phase as follows:

Integration Period	(1 week) Acclimation to New Environment
Phase A	(3 weeks) Response to Non-Emergency Incident
Phase B	(3 weeks) Response to Emergency Incident
Midterm Exam	(2 weeks) Switch to PTE for Evaluation
Phase C	(3 weeks) Criminal Investigations
Phase D	(3 weeks) Patrol Activities
Final Exam	(2 weeks) Switch to PTE for evaluation
Unaccompanied Phase	(12 weeks) Independent Training

Lateral Transfer officers will participate in an accelerated Police Training Officers Program as defined:

Integration Period	(1 week) Acclimation to New Environment
Phase A	(2 weeks) Response to Non-Emergency Incident
Phase B	(2 weeks) Response to Emergency Incident
Midterm Exam	(1 week) Switch to PTE for Evaluation
Phase C	(2 weeks) Criminal Investigations
Phase D	(2 weeks) Patrol Activities
Final Exam	(1 week) Switch to PTE for evaluation
Unaccompanied Phase	(6 weeks) Independent Training

The actual progress through these stages will be determined by the Training Commander based on the recruit's performance. Recruits who fail to meet the requirements of the Program will be referred to the Training Commander for a determination of their continuing employment.

The structured movement of recruits and evaluation guidelines/requirements of the recruit's training program are defined in detail in the Police Training Officer Manual. All evaluation forms and reports will be maintained by the PTC.

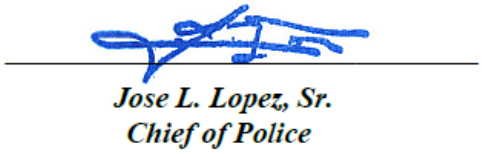
SPECIAL CIRCUMSTANCES

In certain situations, the Training Commander has the authority to customize a PTO Program based on prior service with the Department, advanced training and competence, or completion of the Durham Police Academy while being employed by another agency.

RECRUIT OFFICER DISCIPLINE

Any complaints or violations of policies and procedures by a recruit officer should be investigated by the recruit officer's current supervisor or by Internal Affairs depending on the circumstances. The results of this investigation should be forwarded to the PTC who will then present the findings to the Training Division Commander to determine the appropriate level of discipline. Patrol supervisors may coach the recruit using a recruit coaching form, but any discipline should be determined by the Training Division.

Should a recruit officer's performance or actions be considered hazardous or an imminent liability, the Watch Commander may relieve the recruit from patrol duties and have them report directly to the Training Division for further action.



Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **2013 R-2**

SUBSTANCE ABUSE TESTING

Effective Date: 12/15/1995	Revision Dates: Rescinded 04/15/2001; Reinstated R-1 01/10/2005; **R-2 02/09/2010**

INTRODUCTION

The Durham Police Department conducts substance abuse testing of its members as required by City Personnel Policy PER 714 and the Substance Abuse Procedure Manual. All positions within the Department shall be considered to be Safety Related Positions under City Policy. Employee Services will coordinate new employee testing while the Professional Standards Division will coordinate the random testing requirement of the substance abuse policy for the Department.

VARIANCES FROM CITY OF DURHAM POLICY

Members of the Department may be subject to additional substance abuse testing based on job requirements, which will be covered in the affected units SOPs.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **2014 R-11**

ASSIGNMENTS & TRANSFERS OF SWORN PERSONNEL

Effective Date: 12/15/1995	Revision Dates: R-1 05/16/1997; R-2 11/01/1998; R-3 04/15/2002; R-4 07/25/2003; R-5 01/10/2005; R-6 02/01/2006; R-7 01/03/2007; R-8 04/21/2008; R-9 04/06/2010; R-10 11/10/2010; **R-11 11/30/2011**

INTRODUCTION

Assignments and transfers of personnel will be made to achieve departmental goals and objectives, to meet community priorities and needs, to improve service, and to enhance the career potential and skill levels of employees.

Moves within organizational units will be at the discretion of the respective supervisors unless competition for openings or the particular skills required indicate the need for a selection process. Such processes will be advertised and will follow an approved process that assures impartiality of the selection.

This General Order does not restrict the Chief of Police from assigning personnel temporarily or permanently to any unit as operationally required without advertising the vacancy.

Upon completion of the Police Training Program (PTO), all officers will initially be assigned to Uniform Patrol.

TRANSFER REQUESTS: ADVERTISED VACANCIES

Notification of Vacancies: The Chief of Police will issue a memorandum announcing vacancies that includes instructions and a deadline for submitting an application. Announcements will give at least fifteen (15) days for employees to apply prior to the application deadline. Announcements will be for specific vacancies either existing or projected by the administration.

Eligibility for Sworn Vacancies: Officers with a minimum of twenty-four (24) months of continuous service as a regular sworn officer with the Durham Police Department, calculated from the date of release from the PTO program, are eligible to request transfer to any announced sworn assignment. *(Exception: Differing time-in-service requirements for specialized units will be determined in that unit's General Order*). Officers who have a break in service with the Department, who have already completed phase three, must have 24 months of continuous sworn service after their break to be eligible for transfer. If an officer is required to go through an ALET and or the PTO program because of their break in service, the 24 month period will begin when they have completed phase three of PTO. Any sworn employee transferred from a specialized assignment resulting from performance or disciplinary issues may not apply for another specialized assignment for a period of one year from the official date of transfer. The Chief of Police may further modify this service requirement.

Application Procedure: Interested applicants should submit a memorandum to Employee Services addressed to the Chief of Police indicating interest in the advertised position along with a personal resume including their

qualifications for the position. Employee Services will date-stamp the application, verify eligibility, and provide coordination for selection.

Selection Procedures: Applications will be routed to the appropriate Division Commander after the application deadline. A selection process previously approved by the Chief of Police will be held for all eligible applicants. The Division Commander will submit all process materials and applications, and a recommendation with justification to the Chief of Police through Employee Services. Employee Services will review the process for accuracy and compliance with legal requirements and City procedures. If the selection is approved, the transfer or assignments will be communicated by memo. Actual movement of personnel will be coordinated by the affected Bureau Commanders.

Selected personnel will be required to remain in their new assignment for a minimum of eighteen (18) months. Any exceptions will be made at the discretion of the Chief of Police.

TRANSFER REQUESTS: NON-VACANT POSITIONS

Officers at the rank of Corporal and above may submit requests for transfer at any time to a position for which no announcement of vacancy has been issued. The request will be valid for one year from date of submission.

Application Procedure: Transfer requests should be submitted to Employee Services as a memorandum addressed to the Chief of Police along with a personal resume including qualifications. One general request for transfer to any division, or requests for specific assignments may be submitted. Employee Services will date-stamp the requests and maintain a file of all applications for consultation by the Chief of Police in making transfers.

Selection: Submission of a request for transfer to a non-vacant position assures consideration but not the selection for the position, should a vacancy occur. The Chief of Police may announce the vacancy to solicit additional applications, make selection from those applications on file, or make an assignment without an application.

Updating Application Materials: Application packages may be updated at any time, and material may be withdrawn at the written request of the applicant. Materials on file longer than one year will be discarded.

RESIDENCY REQUIREMENTS FOR ALL TRANSFERS

Specific positions have an operational need for shorter call-back response times. In order to effectively support police operations, members requesting transfer to the following units must live within a twenty five (25) mile radius of Police Headquarters:

- Selective Enforcement Team
- Full-time BCERT members
- Canine unit
- Traffic Services unit
- Task Force officers

As of November 30, 2011 all current members of these units will be grandfathered in to the residency requirements. Any new member selected after November 30, 2011 for any of these units must meet the residency requirement.

COMPLAINTS ABOUT TRANSFERS

If employees do not agree with their transfer, they may write a memorandum to the Chief of Police requesting retention in the former assignment and indicating their reasons. The Chief of Police will respond in writing to the request and give reasons for either approving or denying the request. The decision of the Chief of Police is final.

MEMBERS OF EXTERNAL TASK FORCES

The Durham Police Department actively participates in task forces in cooperation with other law enforcement agencies by assigning members of the Department to work with these task forces.

Any Department members who are assigned to such a task force retain their original rank within the Department. The position that the member is assigned to within the Department may, at the discretion of the Division Commander, be held open and not filled while the member is assigned to the task force. Upon separation from the task force, the Department member may, at the discretion of the Division Commander, return to work at the position that he or she occupied before being assigned to the task force.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **2015 R-4**

ON THE JOB INJURIES & TRANSITIONAL DUTY

Effective Date: 12/15/1995	Revision Dates: R-1 04/28/2004; R-2 01/31/2011; R-3 06/06/2011; **R-4 01/06/2015**

INTRODUCTION

The Durham Police Department will provide immediate and proper medical attention for employees incurring injury or illness while on duty and ensure proper administrative reporting of the illness/injury or death. The Department will follow all applicable laws, policies and guidelines regarding workers compensation, notification of family and other appropriate authority, and administration of transitional duty assignments. The City of Durham Risk Management Division is responsible for coordinating reports and claims.

ON-THE-JOB ILLNESS/INJURY

Any injury sustained by a Department employee in the performance of their duties for the City of Durham shall be considered an on-the-job injury. Any circumstance not falling under these guidelines will be decided on a case-by-case basis by the City Risk Management Division. The City has contracted a third party administrator to intake initial reports of injuries, make referrals for services and complete the necessary reports.

Employees must report all on-the-job injuries to their supervisor immediately.

An Employee Injury Call Center is available to allow an injured employee to report the injury and speak with a registered nurse who will make recommendations and referrals for additional treatment on a case by case basis. The Center is available 24/7 at (877) 764-3574. The Center will also document the worker's compensation claim.

Employees with non-life threatening on-the-job injuries should contact the Employee Injury Call Center prior to seeking medical treatment.

The supervisor and the employee should contact the Employee Injury Call Center as soon as possible to begin the reporting process. The supervisor will be available with the employee when the Injury Call Center is contacted. If the employee requests privacy when medical questions are being asked, the supervisor will accommodate them. The supervisor will be available when the call taker requires information for the injury report/claim.

If an employee is referred to a medical provider for treatment the employee and the supervisor should immediately proceed to the referred medical provider. While the employee is receiving medical attention, the supervisor must call the Center to file the worker's compensation claim.

If an employee is not referred to a medical provider for treatment, a nurse will follow up with the employee within 24 hours of the incident to reassess the injury. Once the employee has spoken with the Call Center personnel, the supervisor should remain on the line to file the claim.

In order to file a claim, the supervisor will provide the circumstances surrounding the injury and respond to all questions to the best of their ability.

Employees with a serious or life threatening on-the-job illness/injury will be transported directly to the Durham Regional Emergency Department unless circumstances or EMS providers require transport to a different location. The hospital must be informed by the person transporting the employee that they are being admitted for an on-the-job injury. In the event that an employee is incapacitated and unable to contact the Call Center, a supervisor will immediately respond to the medical facility the employee is being treated at and contact the center to file the claim as soon as possible.

If the ill/injured employee received initial treatment without contacting the Injury Call Center, the supervisor should immediately inform the claim taker that they have already received initial treatment.

Supervisors must notify the appropriate Assistant Chief through the chain of command when an employee has an on-the-job illness/injury. The notifications will be made as soon as possible.

Employee Services will coordinate any transitional duty or work absence resulting from an on-the-job or off-the-job injury with the employee, their supervisor, and City Risk Management.

Before employees return to work they must receive documentation from the treating physician restricting them to transitional duty or releasing them to full duty. This documentation must be forwarded to the City Claims Administrator in Risk Management and Employee Services before being allowed to return to work. Employees must coordinate all transitional duty assignments through Employee Services.

OFF-THE-JOB-INJURIES

For injuries sustained that are not on-the-job injuries as described above, members must use their own accumulated paid sick, annual leave, compensatory leave, or leave without pay for any time which they are absent from work due to personal illness or injury.

After an absence from duty of ten (10) or more consecutive workdays for personal illness or injury, members must be cleared by staff from a city designated urgent care facility to return to regular duties. Members must take documentation from the treating physician with them to their appointment. Facility staff will examine the member and make a determination regarding the member’s return to regular or transitional duty.

ABSENCES / TRANSITIONAL DUTY ASSIGNMENTS

Members who normally work in units/divisions that provide 24-hour services may be given transitional duty assignments on shifts other than day shift if appropriate and available. If there is no appropriate transitional duty assignment available within the Department, City Human Resources may make the assignment elsewhere if available.

While assigned to transitional duty, officers are required to attend scheduled court proceedings. Mandatory in-service training will also be attended while on transitional duty so long as the Officer’s established limitations allow them to fully participate. Officers on transitional duty may attend external training courses, within the scope of their limitations, only after the request has been approved by an Assistant Chief or higher (see G.O. 2019 – Career Counseling & Voluntary Training.

Officers who are placed on transitional duty are prohibited from wearing the Department uniform or any other clothing or equipment that identifies them as a police officer. Officers on transitional duty that are required to attend court must wear business attire.

Officers absent from work or on transitional duty status, regardless of the injury occurring on- or off-the-job, will not be permitted to work any secondary agency or police secondary employment jobs during the entire period of the injury related absence or transitional duty assignment.

Members who are scheduled for court during their absence from work due to an on- or off-the-job injury must fill out the Notification to District Attorney Office Vacation/Medical/School form as soon as they are aware of the impending absence. This form must be forwarded to the District Attorney's Office and the Department Court Liaison.

NOTIFICATIONS IN THE EVENT OF DEATH/SERIOUS INJURY

In the event of a serious on-the-job illness/injury requiring hospitalization, or death of a member, it will be the responsibility of the Watch Commander to make sure the member's chain of command, City Risk Management, the Public Information Manager, Employee Services, and the Chaplain are notified of the event as soon as possible. When the spouse or a close family member lives in the area, the highest ranking Department member available will contact the spouse or family member in person and provide transportation as needed. Arrangements will be made if another member who is close to the family wants to accompany the member delivering the notification. No member shall release the name of any injured or deceased member to representatives of the news media until the member's next of kin have been notified.

Members, the spouse, or appropriate family members will be referred to the City Human Resources Department for discussion and coordination of any available benefits. The Division/District Manager or Commander is the point of contact for the member, spouse, or appropriate family member for continuing support and information.

INVESTIGATIVE RESPONSIBILITIES

In the event of an on-the job death or life-threatening injury, investigative responsibility will accrue as follows:

- If suspected natural death on the job or other duty-related injury or death: Professional Standards Division in conjunction, if necessary, with the Criminal Investigations Division.
- Motor Vehicle Collision: Traffic Services Unit.
- If suspicious or criminal activity suspected: Criminal Investigations Division.

Jose L. Lopez, Sr.
Chief of Police

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	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **2016 R-1**

SEXUAL HARASSMENT

Effective Date: 12/15/1995	Revision Dates: **R-1 01/10/2005**

INTRODUCTION

It is the policy of the Durham Police Department to maintain an environment free of discrimination, including freedom from sexual harassment.

The Durham Police Department does not tolerate sexual harassment of its employees in any form. All employees at all levels of the Department must refrain from verbal and/or physical conduct which is offensive or inappropriate and which constitutes sexual harassment in the work place. Each supervisor has a responsibility to maintain a work place free from sexual harassment.

Specifically, the Durham Police Department prohibits the following forms of sexual harassment:

- unwelcome sexual advances, including but not limited to flirtations, touching, or propositions.
- requests for sexual favors, whether or not accompanied by promises or threats with regard to the employment relationship or any condition of employment.
- any other verbal or physical conduct of a sexual nature made to any employee that may threaten or insinuate either explicitly or implicitly that any employee's submission to or rejection of sexual advances will in any way influence any personnel decision regarding that person's employment, evaluation, wages, advancement, assigned duties, shifts or any other condition of employment or career development.
- graphic or suggestive comments about an individual's dress, or the use of sexually degrading words to describe an individual.
- the display in the work place of sexually suggestive objects or pictures except as is relevant and necessary to criminal investigations or training.
- any verbal or physical conduct that has the purpose or effect of creating an intimidating, hostile or offensive working environment.

Other sexually harassing conduct in the work place, whether physical or verbal, committed by or knowingly allowed by supervisors or non-supervisory personnel is also prohibited. This behavior includes but is not limited to, unwelcome physical contact, commentary about an individual's sexual preference, offensive comments of a sexual nature, "off color" jokes, innuendoes, and sexually suggestive objects, books, magazines, photographs, cartoons or pictures except as is necessary and relevant to criminal investigation processing or training.

The above listed is by way of example and is not exhaustive. All sexually harassing behavior may result in disciplinary action up to and including termination.

REQUIRED REPORTING

Employees who have knowledge of complaints of sexual harassment, or who feel they have been harassed by anyone in the work place, including any supervisors, co-employees, or visitors, are required to report such conduct. This report shall be made to the employee's direct supervisor, who shall pass the report up the chain and who shall inform Professional Standards of the incident. However, if the complaint involves actions by the employee's immediate supervisor, or someone in the employee's direct line of supervision or chain of command, or if the employee for any reason is uncomfortable in dealing with his or her immediate supervisor, the employee may go directly to the Commander of the Professional Standards Division (pursuant to G. O. 2011) or follow City Policy, PER-708.

The Durham Police Department will professionally investigate all complaints as expeditiously as possible, and/or cooperate fully in any City investigation as indicated in PER-708. Where investigations confirm the allegations, appropriate corrective action will be taken up to and including termination.

The Durham Police Department will make every attempt to maintain the confidentiality of the information provided to it in the complaint and investigation process.

No retaliatory action shall be taken against an employee who in good faith reports sexual harassment or who assists the Department in the investigation of a complaint. However, if after investigating any complaint of harassment, the Durham Police Department learns that the complaint is not based in fact or that an employee has provided false information regarding the complaint, disciplinary action up to and including termination may be taken against the individual who provided the false information pursuant to Rules 1.3 and 2.5.

Steven W. Chalmers

Steven W. Chalmers
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **2017 R-14**

SECONDARY EMPLOYMENT

Effective Date: 12/15/1995	Revision Dates: R-1 05/01/1996; R-2 01/15/2002; R-3 09/01/2002; R-4 01/06/2003; R-5 05/06/2003; R-6 07/15/2003; R-7 01/14/2005; R-8 11/22/2006; R-9 15/24/2010; R-10 11/10/2010; R-11 09/28/2011; R-12 06/15/2013; R-13 07/29/2016; **R-14 05/29/2017**

INTRODUCTION

Secondary police employment is a privilege granted to sworn officers and while reasonable efforts will be made to accommodate such employment, the Department may prohibit or limit employees from working in that capacity. An individual's regular employment duties take precedence over any secondary police employment.

DEFINITIONS

Secondary police employment – any job other than one's regular assignment with the Durham Police Department that may require a sworn officer to exercise police authority as part of the job responsibility within his/her jurisdiction. This may include work performed without compensation such as secondary agency employment and the courtesy officer program.

Secondary Employment Program – a system used to monitor and coordinate secondary police employment activities.

Secondary Employment Coordinator (SEC) – Employee responsible for the administration and operation of the secondary employment program.

Job Site Coordinator (JSC) - an officer designated by the SEC, who is responsible for the management of other officers for a specific, reoccurring employment job.

Cover Your Assets (CYA) – an internet based program used to manage and communicate about the secondary employment program. CYA may be accessed through any internet connection.

ELIGIBILITY FOR SECONDARY POLICE EMPLOYMENT

In order for Officers to participate in secondary police employment activities, the following criteria must be met:

- Must be either an active duty or reserve Durham Police Officer below the rank of Assistant Chief;
- A minimum of six months has passed from the date of official release from the PTO program; Maintain an overall rating of meets or exceeds expectations on his/her most recent performance evaluation.

REQUIREMENTS FOR RESERVE OFFICERS

In addition to meeting any requirements for full-time officers, reserve officers must meet and maintain all departmental requirements as outlined in the Reserve Officer's SOPs. Reserves are not eligible to work jobs that are paid through the City of Durham and secondary employment hours cannot be used to meet reserve work commitment requirements.

REGISTRATION

Officers wishing to register for secondary police employment must complete and turn into the SEC an Eligibility Approval Form signed by their chain of command. The SEC will then provide instructions for creating a profile and using the (CYA) system. Officers must keep this profile up to date with accurate information.

Once a profile is created and approved, officers will be able to locate and sign up for secondary employment opportunities at any time.

SECONDARY EMPLOYMENT CONTACT

The Secondary Employment Coordinator will work regular business hours. In the event of an immediate emergency with secondary employment that requires the attention of the SEC after business hours or on holidays/weekends members should contact the Watch Commander, who will evaluate the circumstances of the emergency. The Watch Commander will decide if the SEC needs to be notified during non-working hours.

Customers attempting to contact the SEC should be given the office phone number (919-560-4528) or the SEC's email address (dpd.secondaryemployment@durhamnc.gov). Under no circumstances should the SEC's personal phone number be given to anyone outside the Department.

RESTRICTIONS

In order to limit or prevent disruption to regular employment duties, restrictions regarding an officer's participation in the Secondary Employment Program have been established:

Hours Limitation - Full-time Officers may work up to 120 hours of secondary employment in a calendar month. This limit includes all departmental supplemental work. Excluded from this limitation is Durham Police Department mutual aid assistance to other law enforcement agencies.

Reserve officers may work 5 hours of secondary employment for each hour of volunteer time they provided during the previous month up to the 120 hour limit. All reserve hours earned must be logged in the CYA system for tracking within 72 hours of working the assignment.

Between On-Duty Employment (6 hour rule) - Between two consecutive days of on-duty employment, employees shall have at least a six-hour block of consecutive, uninterrupted time in which no type of secondary employment is performed.

Between any job (30 minute rule) - Between any on-duty and secondary job or any two secondary police jobs, officers must have a 30 minute block of time in which no secondary employment work is performed. Back to back shifts at the same location with the same employer are exempt from this requirement. Different employers at the same location require a 30 minute break.

Administrative Leave, Light/Transitional Duty, Suspension - Officers on administrative leave (with or without pay), light/transitional duty, suspension, or any type of special duty restriction may not work secondary police employment.

Twenty Four (24) Hour Rule - No employee may engage in Secondary Police Employment for a period of 24 hours after the conclusion of any shift for which the employee used any type of sick leave, family sick, administrative leave (with or without pay), light duty, suspension, or any type of special duty restriction. (i.e., any employee reporting sick, family sick or receiving a suspension Wednesday from 0600-1800 hrs. may not work secondary police employment before 1800 hrs. Thursday).

Job Pool Limits - Officers are allowed to be in a maximum of five job pools.

Modification of Restrictions – any of the restrictions listed above may be temporarily modified via memoranda issued by the Chief of Police, which will be attached to this General Order for the duration of the modification.

PROHIBITIONS

While not an exhaustive list, employees are specifically prohibited from engaging in the following types of secondary employment:

- Employment that presents a real, potential, or apparent conflict of interest between the employee's duties as a Department employee and their duties to their secondary employer;
- Collection of accounts or debts, or any employment in which police authority can be used to collect money or merchandise for private or commercial purposes;
- Employment at establishments which sell merchandise of a sexual or pornographic nature as their primary source of revenue or otherwise provide entertainment of services of a sexual nature;
- Traffic direction on or near a public street which inhibits or alters the normal flow of vehicular traffic for the purpose of enhancing the profit making ability of a secondary employer unless the employer has a permit for such activity or approval by the Chief of Police.

Alcohol Establishments

- Officers may not work <u>inside</u> any establishment where alcohol is served if that establishment's main business is nighttime entertainment or the establishment reflects a nightclub environment. Officers may conduct periodic walkthroughs of the establishment to check for violations of the law and are expected to respond to violations inside the business. Officers are permitted to take a meal break inside the establishment only if it is a restaurant, meaning the establishment's primary business is serving food, not alcohol.

RULES AND REGULATIONS

A member shall not, directly or indirectly solicit, arrange, or contract any secondary police employment nor shall they act as an intermediary between a private employer and the Secondary Employment Office unless requested to do so by the SEC or designee.

No officer shall work any secondary police employment without the knowledge of the SEC or designee. All secondary police employment shall be recorded in and managed through the CYA system.

Officers are prohibited from using schedule adjustments to work secondary police employment during their normal duty hours. For example, an officer may not leave work before the end of their shift to work an off duty job and then return to duty to work or make up the time missed. The officer must take approved leave for the duration of the secondary employment job. Except as otherwise prohibited in this policy, vacation, compensatory time , management leave, banked and floating holidays will be the only acceptable leave time that may be used while taking off from regular duty work in order to work in a secondary employment capacity. Officers may not use any type of accrued leave, including but not limited to, compensatory time, vacation, management or holiday leave, to work a secondary employment job that is paid for by the City of Durham on the same day the officer would have been working their regularly assigned shift.

Supervisory personnel shall monitor their subordinate's work record and performance for policy violations and continued eligibility for secondary police employment. Supervisors must immediately notify the SEC should an officer become ineligible or a violation be detected.

An officer's privilege to work secondary police employment may be restricted due to any pending administrative investigation related to a secondary employment complaint or disciplinary action occurring as a result of secondary and/or regular duty employment.

While engaged in secondary police employment, a member can enforce the criminal laws of this State as well as Durham City Ordinances. The member *may not* enforce individual rules of the secondary employer *(house rules)* that do not amount to a violation of criminal laws or City Ordinances.

A member may enforce trespass laws on the property of the secondary employer only in response to a direct request by the secondary employer or its agent. This request may not be blanket or long standing and must be made each time a trespass occurs.

A member wearing his/her uniform during secondary police employment is, in the eyes of the public, a representative of this Department. As such, the member should avoid non-police related job duties and should conduct himself/herself at all times in a manner consistent with public respect for the uniform of this Department.

Officers working secondary police employment should appear diligent and professional at all times. Officers should refrain from reading; excessive use of cell phone, computers or other electronic devices or other behaviors or actions which make them appear inattentive or unprofessional, unless these behaviors have been approved by the employer.

An officer assigned a City vehicle may use it to drive to or from secondary police employment. Officers not assigned a City vehicle may use one if available for jobs specifically designated as "City Vehicle Approved" by the SEC in the job posting. The officer should contact the on-duty supervisor for the district where the job takes place to request a vehicle. If that district does not have an available vehicle, the officer may contact other district supervisors to request one. Unassigned vehicles will be returned to the District they were borrowed from after the job is completed.

If upon reporting to or any time during a secondary employment job an officer is presented with circumstances that pose a risk to officer safety (e.g. crowd too large for one officer, etc.), the officer will report the concern to the Watch Commander immediately. The Watch Commander may authorize the release of the officer from the job.

ATTENDANCE / CANCELLATIONS

An officer committed to work a secondary police employment assignment is expected to fulfill their commitment and is responsible for ensuring the job is accurately reflected in their CYA accounts, and close shift/assignments reflect the actual hours worked within 72 hours of working the assignment. In the event that an assignment does not start or end at the scheduled times, the officer shall report the time change in the comments section of CYA prior to closing the shift. The officer shall also state the reason why the job was extended or shortened and the name of the employer representative who made the shift adjustment.

If an officer has committed to an assignment and needs to obtain coverage, they may do so in accordance with this policy by selecting the "Cancel" option in CYA. This will release the assignment to the appropriate job pool at which time another member may commit to it. Even though the assignment is released to the appropriate job pool for others to "take", if the job is not accepted by another employee before the start of the shift, the cancelling officer is still required to cover it. Cancelation of an assignment can cause scheduling problems for the Secondary Employment Office and should be a rare occurrence. The number of job cancelations an officer have is limited to two (2) per calendar month. Any cancelations exceeding this limit in the same calendar month will result in an automated, system generated one week restriction from viewing or taking available jobs. All cancelation related activity is recorded in CYA. An officer may appeal the system generated restriction in writing to the Staff Inspector. Job cancelation actions that cause a disruption in the delivery of secondary employment services may result in disciplinary action.

Officers who are going to be absent from a shift due to illness, injury or emergency (work, family or otherwise), and have not been able to secure a replacement through CYA, must notify the Secondary Employment Office, the Job Site Coordinator (if applicable) and the employer prior to the absence. If contact with any of these individuals cannot be made, a voice message notifying them of the absence must be left if voice mail is available. Email notification should also be sent.

Officers are prohibited from job shopping. Anytime an officer cancels an off duty shift they may not sign up for another job during any of the same time the original shift would have been worked.

Any officer who fails to work his/her scheduled secondary employment job or has excessive cancellations or tardiness may result in formal discipline and the loss of secondary employment privileges.

UNIFORMS AND WEAPONS

All officers, regardless of rank or assignment, shall wear the standard uniform per G.O. 3002 - *Department Dress Code* when working Secondary Police Employment. Any exceptions to this rule must be requested by the private employer and approved by the SEC and the Chief of Police or his/her designee. Specialized uniforms (e.g. bicycle officer, motor officer) are prohibited unless the job states otherwise in the assignment details. If approved to work secondary police employment in plain clothes, all officers must have with them their duty sidearm, an extra magazine, one pair of handcuffs, their Department radio, and their Department badge and identification card. Other issued weapons and equipment may be carried at the member's option, which includes body armor.

COMMUNICATIONS AND ASSIGNMENT OF CALLS

Officers who are working a secondary employment job shall monitor radio communications and respond to any calls for police service that occur on the premises or are directly related to the secondary employment assignment they are working. Officers are expected to have all of the necessary equipment and documents needed to respond to calls. If appropriate, an available line car may be requested so the officer working the job can complete a report on the computer.

Emergency situations may require that an officer working secondary employment be released from the job at the discretion of the Watch Commander to assist with the department response.

If an officer is required to leave the job to handle a service call or emergency not related to the assignment, the time away from the job will be documented in CYA.

District supervisors and the Watch Commander should review the CYA system at the beginning of any shift to identify sites where off duty is scheduled should calls for service be dispatched to those locations.

SUPERVISION

In instances when four (4) or more officers are assigned to work secondary police employment simultaneously at any event, an on-scene supervisor is required. The on-scene supervisor will hold the rank of Police Corporal or above, and is established upon assignment of the job.

INITIATION OF A JOB

A secondary police employer wishing to hire an officer(s) must directly contact the SEC or designee for screening and approval. Any officer who is approached by a private employer should refer them directly to the Secondary Employment Office and may not make any arrangements with the private employer prior to being assigned to do so.

The SEC or designee will collect information on the private employer including the employer's expectations and the responsibilities of the officer on the job site. The SEC may make recommendations to the private employer. The SEC will inform the private employer if the request cannot be met under the following circumstances:

- The private employer has not provided enough notice to reasonably obtain requested staffing. Typically a minimum of forty-eight (48) hours' notice is required in order to post and obtain staffing for a job. Events requiring more than ten (10) officers may require more time; or
- Necessary permits for the job have not been obtained; or
- The requested responsibilities for the officer on the job site are prohibited by policy; or
- The private employer has a documented history of non-payment or the responsibilities for the officer on the job pose an officer safety risk.

Once the information and requirements for a job have been properly collected it will be entered into the CYA system and released.

For events having permits or that may impact district functions (e.g. extensive road closures) a Special Events Coordinator will be designated an operations plan should be developed and distributed to affected personnel in accordance with G.O. 4034 - *Special Events.*

JOB SITE COORDINATORS

The JSC is the officer responsible for a particular job site and is accountable for the reasonable and equitable scheduling of job assignments and performance of the officers (regardless of rank) that work on the job site. The JSC is prohibited from replacing or adding anyone to a job site without the approval of the SEC and must immediately notify the SEC of any problems with personnel or the employer.

Only full-time sworn officers with at least three years of experience from date of release from PTO are eligible to serve as Job Site Coordinators. The SEC or designee will maintain a list established by receipt of written notification of interest to select personnel for new JSC positions. Replacement JSCs at established job sites may be sought from eligible officers with priority given to that site's job pool prior to using the next person on the list of officers requesting to be coordinators if the site requires specific knowledge and/or training.

The JSC will only be allowed to coordinate one large job (more than 150 scheduled hours per month on average) or two small jobs (totaling 150 scheduled hours per month on average).

The SEC has authority to relieve a JSC from their responsibilities and privileges under the following circumstances:

- at the request of the private employer; or
- for poor performance, procedural errors or if the extra duty adversely affects the employee's job performance.

COMPENSATION / MINIMUM HOURS

The Chief of Police or designee authorizes the minimum rate for secondary police employment. This rate shall be in accordance with the following schedule:

Type of Position	Situation	Hourly Rate
Officer (any rank not acting as supervisor)	Advanced Scheduled Duty	$35.00
	*Holiday Duty (On any City of Durham Holiday) or less than 48 hours' notice	$45.00
Supervisor(as mandated by General Order)	Advanced Scheduled Duty	$40.00
	*Holiday Duty (On any City of Durham Holiday) or less than 48 hours' notice	$45.00

*Holiday Duty pay is only for the actual calendar day the Holiday occurs on. This does not include alternate or additional days the City gives to recognize the Holiday.

As a minimum fee, members working any assignment lasting less than three (3) hours will be paid a sum equivalent to three (3) hours pay, regardless of the actual time worked. The Chief of Police or designee may make an exception to this on a case-by-case basis.

WORKER'S COMPENSATION / CIVIL LIABILITY

The City of Durham cannot pay the benefits created by the Worker's Compensation Act for an injury occurring during secondary employment, nor can the City be responsible for defending a civil lawsuit and payments of claims or damages awarded to a citizen because of an incident arising during secondary police employment.

The sole exception to this is an incident arising directly out of an arrest or other law enforcement function during secondary police employment that is within the scope of the officer's City employment. Thus, an officer working secondary police employment who is making an arrest or performing other functions unique to law enforcement, will have the same Workers Compensation benefits and protection against civil liability claims as an on-duty officer, assuming the officer is within his territorial jurisdiction.

In no instance will the City accept any liability, including civil or Worker's Compensation liability, due to a member's actions in a secondary agency employment capacity.

Officers working secondary employment may wish to purchase insurance to provide coverage for injury or liability arising from secondary employment. Each officer is responsible for determining and securing any protection they feel is needed**.**

JURISDICTION

Officers may only perform Secondary Police Employment within their territorial jurisdiction as a Durham Police Officer. Any Secondary Police location that is outside the corporate City limits of the City of Durham must be approved in advance by the Chief of Police or his/her designee.

MUTUAL AID

Officers must follow guidelines set forth in mutual aid agreements when working for outside agencies through the City pursuant to these agreements.

HARDSHIP

Any officer requesting accommodations for hardship must submit a letter through their chain of command detailing their need for special consideration to the Chief of Police for approval. Hardship assistance shall be in the form of providing preferential opportunities at securing secondary police assignments for a defined period of time. However, this additional work cannot exceed the 120 hour limit.

Cerelyn J. Davis
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **2018 R-6**

COMMENDATION & ACHIEVEMENT AWARDS

Effective Date: 12/15/1995	Revision Dates: R-1 01/15/2001; R-2 05/06/2003; R-3 04/28/2004; R-4 01/10/2005; R-5 08/19/2015; **R-6 01/23/2017**

INTRODUCTION

The Durham Police Department recognizes outstanding or extraordinary acts by members of this Department with awards, provided uniformly as indicated within this general order. Only the medals indicated within this general order or approved by the Chief of Police may be worn by members. Medals that have been awarded to an officer will be worn on a Department uniform in accordance with General Order 3002 - Department Dress Code.

DEFINITIONS

Awards Committee: Department members appointed by the Chief of Police responsible for coordinating the Department's awards and recognition program.

Awards Ceremony*:* At the discretion of the Chief of Police the Department will host a ceremony to present department and/or community members with awards that recognize outstanding service.

TYPES OF AWARDS

The Department will strive to host an annual awards ceremony to recognize employee excellences and recognize community members committed to the Department's mission. The following types of awards will be considered for the annual awards ceremony:

Medal of Valor: This is the highest recognition given by the Department. Any member may be nominated for the award. The Medal of Valor may be granted to members who distinguish themselves by gallantry and bravery in an attempt to preserve life or property at a clear risk of personal safety. The act must be so conspicuous that it clearly distinguishes the member as one who acted far beyond the call of duty. The Medal of Valor is presented at an appropriate police memorial or other service. The award may be presented posthumously to the member's family.

Distinguished Service Medal*:* This is presented to members who apprehend or cause to be apprehended a dangerous person(s) at grave and/or imminent danger to the member; or to member(s) who perform an act that warrants such recognition.

Police Medal**:** This is presented to community members who apprehend or cause to be apprehended a dangerous person(s) at grave and/or imminent danger to themselves; or to community members who perform an act that warrants such recognition.

Certificate of Merit: This is presented to members for outstanding performance or devotion to duty, possibly involving personal safety.

Community Service: This is presented to members for service to the community above and beyond the call of duty. It may also be presented to non-department members.

***Purple Heart*:** This is presented to an officer who sustains a serious injury while in the performance of duty.

Officer of the Year: This is presented to one sworn member for outstanding performance throughout the year.

Non-sworn Member of the Year: This is to one non-sworn member for outstanding performance throughout the year.

In an effort to encourage excellence, the Department will also recognize outstanding performance by employees more frequently than the annual awards ceremony with the following:

Officer of the Month*:* This is presented to sworn members of the Department for exceptional performance during the month and is presented at Crime Abatement meetings.

Non-sworn Member of the Month: This is presented to non-sworn members of the Department for exceptional performance during the month and is presented at Crime Abatement meetings.

Letter of Commendation*:* This is a written letter of recognition for the extraordinary performance of duty by any member of the Department regarding a specific incident. It can be presented at any time throughout the year.

The Chief of Police may initiate additional awards processes and ceremonies that highlight different topics, specialties or populations within the Department. The process for establishing a committee, nomination and selection procedures will be conducted in accordance this general order. Awards being considered that differ from those found herein this policy will be clearly articulated in the announcement and solicitation for nominations.

AWARDS COMMITTEE

The Chief of Police will appoint a Committee of five members, two of which shall be non-sworn and one of which will be a member of the Executive Command Staff. The Chief will designate one member to serve as Chair. If a Committee member is no longer able to serve on the Committee, they should notify the Chair in writing and the Chief will select a replacement.

The Committee will meet to review nominations and select awardees as described below and to plan the awards ceremony. Decisions regarding the awardees will be made in time to allow for all appropriate materials to be made and prepared for the ceremony.

The Committee will coordinate with the Public Affairs Unit with regards to the planning of the ceremony. The Committee will be responsible for securing a venue, sending invitations to appropriate members and external partners, creating and coordinating the publication and preparation of programs and awards. If the Committee elects to change the design of any awards issued, they shall submit an example to the Chief of Police for approval.

NOMINATION & SELECTION PROCEDURES

Any member of the Department may nominate another Department member or a community member for consideration for an award by providing a written statement outlining all pertinent facts and delivering it to the Committee.

Awards Ceremony

The Awards Committee will announce a time period for the submission of nominations for awards intended to be presented at the awards ceremony. The announcement will include any forms to be completed in order to submit the nomination as well as the instructions for the submission process.

Once nominations have been received, the Awards Committee will review the nominations and consider how the circumstances written in the nomination apply to the award options as defined by this policy. The committee may review additional written records, (reports, news articles, etc.) to aide them in the decision making process.

If the circumstances of the nomination do not warrant recognition, a note will be made on the nomination form and it will be set aside. For those nominations that the Committee determines does warrant recognition, the individuals identified will be added to a list of proposed awardees.

Once the list of proposed awardees has been compiled, the names of department members will be sent to Employee Services and Professional Standards to confirm that the member is eligible to be recognized. A member must be eligible to be recognized at the awards ceremony. The following guidelines for eligibility will be reviewed. If a member's eligibility is in question, then the circumstances that could prevent them from being recognized at the awards ceremony will be forwarded to the Chief of Police for review:

- The member must not currently be on administrative leave/duty.
- The member must not have received any discipline greater than a written reprimand during the past year.
- The member must have attained an overall rating of "meets expectations" on their last annual performance review.

The Awards Committee will submit to the Chief of Police a list of all proposed awardees. Awardees will be notified of their selection for an award by the Awards Committee Chair. Awardees will also be notified of the date, time and location of the awards ceremony.

The Officer and Non-Sworn Member of the Year will be selected by the Executive Command Staff. Bureau Commanders may solicit recommendations from supervisors under their command. The Chief of Police and all other Chiefs (Deputy and Assistant) may nominate any candidate they feel warrants such recognition. The Executive Command Staff will review candidates and select the awardees. Once the awardee has been selected, the Awards Committee will be informed of the selection. If the Executive Command Staff is unable to reach a consensus, the names in consideration will be forwarded to the Awards Committee for selection.

Monthly Recognition Awards

Supervisors may nominate a member under their command for the Monthly Recognition Award. Supervisors who wish to nominate a member will send a written request that states the reason for the nomination to their Bureau Commander through their chain of command. The Bureau Commander must receive this nomination prior to the Executive Command Staff meeting the week of Administrative Crime Abatement.

Letters of Commendations

Any member may prepare an Internal Letter of Commendation. It should be addressed to the Chief of Police and forwarded through the entire chain of command, initialed by all supervisors. The Chief will initial it, forward it to the employee who is subject of the commendation, and send a copy to the personnel file. If the Chief feels a medal of commendation is warranted, a copy of the letter will be forwarded to the Committee.

The Committee will work with the Public Affairs Unit to publicize the awards ceremony. Media releases and invitations to media outlets will be issued with the approval of the Public Affairs Manager and the Chief of Police.

MEDALS OF ACHIEVEMENT

Medals of Achievement are requested and paid for by officers who attain certain skills. Officers will request, be issued and wear them in accordance with General Order 3002 - Department Dress Code**.**

Cerelyn J. Davis
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **2019 R-2**

CAREER COUNSELING & VOLUNTARY TRAINING

Effective Date: 12/15/1995	Revision Dates: R-1 01/10/2005; **R-2 11/03/2014**

INTRODUCTION

Career counseling and training are important components of a career development program and are available to all members annually. Training will be provided from internal and external resources to assist in the administrative and career specialty proficiency of personnel.

SUPERVISOR RESPONSIBILITIES

Supervisors shall provide career counseling to members annually as part of the employee performance appraisal through use of the Career Counseling Checklist. Career counseling may also be provided at other times at the request of the member.

When supervisors consider voluntary training requests to attend training from an external resource, members who are on transitional or administrative duty must have their request approved by an Assistant Chief or higher.

EMPLOYEE SERVICES RESPONSIBILITIES

Employee Services will ensure that new employees are provided with orientation to the departmental mission, role, purpose, goals, policies, and procedures; accreditation standards and process, working conditions and regulations, and employee rights and responsibilities.

Career counseling will be available in Employee Services to all employees in areas such as pay schedules, city benefits, training and educational opportunities within and outside the department and city; educational incentives available, and availability of outside resources.

Employee Services maintains an inventory of internal and external resources to be utilized in providing proficiency and specialty in-service training. The inventory is updated annually and is available to all members.

TRAINING UNIT RESPONSIBILITIES

The Training Unit will maintain training records for each member for all in-service training, including course title, date of attendance, grade (if applicable), and achievement of any special honors.

Employees and supervisors, both sworn and non-sworn, should be contacted as part of the annual review to determine training needs for the upcoming year. In addition, the annual assessment of the skills, knowledge, and abilities conducted by Employee Services may assist in determining training needs.

PROFICIENCY IN-SERVICE TRAINING

Proficiency in-service training will be provided to keep members up-to-date on the duties and responsibilities of their current job, enhances skills, and increases potential for upward mobility. All members shall be eligible for in-service training.

CAREER SPECIALTY IN-SERVICE TRAINING

Career specialty in-service training is designed to provide training opportunities for all positions classified as specialties. The nature and scope of such specialty training is determined by the skills, knowledge, and abilities required of each specialized position as outlined in job descriptions and position classifications. This advanced training is considered a part of career development.

As members are promoted, they will be provided the skills training necessary for their new position. At the discretion of the Chief of Police, senior officers will be sent to specialty officer training schools.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **2020**

VOLUNTARY SHORT-TERM TRAINING FOR UNIFORM PATROL PERSONNEL - RESCINDED

Effective Date: 12/15/1995	Revision Dates: **Rescinded 09/01/2002**

On September 1, 2002 this general order was rescinded. Its contents were incorporated into G.O. 2006.

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **2021 R-1**

VOLUNTARY EDUCATIONAL LEAVE / TUITION REIMBURSEMENT

Effective Date: 12/15/1995	Revision Dates: **R-1 01/10/2005**

INTRODUCTION

Employee education is a component of the Police Career Development Program, and is available to all eligible personnel upon request.

PROGRAM GOALS AND GUIDELINES

Employee education has been tied to excellence in community-oriented policing. Educational opportunities assist upward mobility of personnel, enhance professional growth, improve job performance, and increase job satisfaction. Provision has been made for on and off-duty educational leave and/or tuition assistance and reimbursement. Employees should follow the guidelines in City Policies PER-512, Training and Development, and PER-602, Education and Training Leave.

Completion of City business takes precedence over training requests, and job-related courses are considered for training funds prior to career development courses.

The job description for Police Chief includes a requirement for graduation from an accredited four-year college or university in Administration of Justice, Criminal Justice, or a related field. While a college degree is not a requirement for most police positions, all personnel are encouraged to continue their education to achieve a minimum of bachelor's degree from an accredited college or university.

EDUCATIONAL LEAVE

No written directive grants shift preference to enhance academic study, but every effort is given to accommodate requests for academic leave, and supervisors will plan work activities to facilitate academic study whenever possible. Supervisors have the authority to deny education requests and leave for school attendance on a daily basis, in order to maintain appropriate staff levels.

Steven W. Chalmers

Steven W. Chalmers
Chief of Police

	GENERAL ORDER ***DURHAM POLICE DEPARTMENT*** ***DURHAM, NC***	**NUMBER:** **2022 R-3**

WELLNESS PROGRAM

Effective Date: 05/15/1996	Revision Dates: R-1 05/16/1997; R-2 01/10/2005; **R-3 08/14/2017**

INTRODUCTION

Wellness is important in the performance of essential job functions, enhances quality of life, and has been shown to reduce the severity of injuries due to accidents. Members of the Durham Police Department (DPD) are expected to maintain overall health and sufficient physical fitness necessary to perform the essential functions of their assignment. Additionally, sworn members of DPD should maintain a level of health and fitness that allows them to perform the duties of a patrol officer. To assist members with this expectation, DPD has established a wellness program.

PROGRAM OVERVIEW

The Department's Wellness Program is primarily coordinated by the Training Division in conjunction with applicable City Human Resource (City HR) events and services.

Full-time employees of DPD may:

- Participate in ongoing wellness training coordinated or provided by the Training Division or City HR;
- Undergo confidential wellness screening periodically at no cost to themselves, be provided with the results of their screening and recommendations for improvement, and be advised of their options for voluntary on-duty wellness activities;
- Participate in on-duty wellness activities as outlined in this general order, provided a waiver signed by a doctor is on file in the Training Division.

Members of the DPD who maintain a current instructor certification as a Law Enforcement Physical Fitness Instructor may be designated as Physical Training (P.T) Instructors by the Training Division.

WELLNESS SCREENING

Health screenings are coordinated in conjunction with the City HR department. Supervisors are encouraged to allow members the time during work hours to participate in wellness screening opportunities, whenever reasonably possible. Participating members will be advised of instructions for scheduling and obtaining the results of health screening.

Results of the health screening will be used to inform employees about their general physical condition. Employees with disabilities who are otherwise able to perform their assigned duties, with or without reasonable

accommodation, will not be penalized because of this program. The results will be treated as confidential medical records.

VOLUNTARY FITNESS PLANNING

The Training Division offers voluntary Fitness Planning, where a fitness program is developed to address the specific needs of an employee.

Step 1: Medical Examination

A medical examination will be conducted by a physician or other appropriate medical personnel to ensure that employees can participate safely in wellness activities. All costs incurred for the examination will be paid by the Employee. DPD does not have the resources to conduct this medical exam at City expense.

Employees must complete the physical examination questionnaire available in the Training Division prior to their examination. The completed form will be maintained confidentially with the physician or other appropriate medical personnel.

If the physician or other appropriate medical personnel determine that the physical condition of the employee presents a risk in the performance of essential job functions, the employee will be responsible for following the guidelines outlined in the City Personnel policies HRM-710, Personal Illness & Injury and S-207, Return to Work Program.

If the physician or physician extender determines the wellness of the employee may be improved safely through available wellness programs, such as diet, education, and/or exercise, the employee will be referred to a P.T. Instructor assigned to the Training Division with a form listing any limitations. This form will be maintained confidentially in Training and used only to design an individual wellness plan. Forms will only be effective for two years. Employees will be responsible for requesting updated screenings.

Step 2: Wellness Assessment

A P.T. Instructor will conduct a wellness assessment to help establish an individual wellness plan within the limitations outlined by the physician or physician extender. A copy of the assessment procedure is available in the Training Division. All aspects of the wellness assessment will be confidential and discussed only with the employee.

Step 3: Individual Wellness Plan

A P.T. Instructor will recommend a safe and realistic program to assist the employee to attain or maintain optimal wellness levels. The program will be voluntary and must be approved by a physician or physician extender before implementation. The plan will include recommendations for follow-up activities, evaluation and modification, if appropriate to the needs of the employee.

EXERCISE ACTIVITIES

DPD will maintain an area and equipment necessary to enable its employees to develop and maintain optimal physical condition, reduce stress, and prevent and/or reduce the severity of injuries associated with law enforcement duties. The Department will allow 24 hour use of this facility for its members.

Employees who wish to participate in on-duty exercise activities, but who do not wish to undergo the wellness screening outlined above, must complete a waiver signed by their physician or physician extender. The waiver

must be on file in the Training Division before any on-duty exercise activities are performed. Waivers will only be effective for two years. Employees will be responsible for updating the waivers.

All full-time employees may be afforded one and a half (1.5) non-cumulative hours every other work day, as scheduling permits, to devote to exercise activities which promote total body wellness. This time frame is intended to include showering, changing clothes, and travel time, etc. Activities are limited to: swimming, jumping rope, biking/cycling, aerobic exercise/high intensity interval training, running/jogging, weight training, utilizing exercise equipment, yoga, stretching or walking. Exceptions to the above must be approved by a P.T. Instructor. All exercise activities during on-duty hours must occur within the jurisdiction of the Durham Police Department. A daily log has been provided to assist employees in tracking their exercise progress.

In order for injuries sustained during voluntary participation in the Wellness Program to be considered for coverage under workers compensation and disability benefits they must occur during the above mentioned 1.5 hour time period and within the scope of activities listed.

On-duty participation in the program may be limited due to staffing shortages, an increase in calls for service, or other work-related needs. Employees are also encouraged to devote off-duty hours to maintaining total body wellness; off-duty exercise or use of the facilities is not compensable.

When in session, members are invited to participate in the police academy's physical fitness training program. Interested members must contact the Training Division and be approved by the Training Commander to participate.

AUTHORIZED WEIGHT ROOM USERS

Use of DPD's physical fitness facility is limited to:

- DPD personnel and DPD Academy members;
- DPD Reserves;
- Police Officer applicants during the pre-employment testing process;
- Other City of Durham employees at the discretion of the Chief of Police.

Members shall not facilitate unauthorized use of DPD's physical fitness facilities including, but not limited to, providing access to or accompanying unauthorized users.

FACILITY PROCEDURES

The following procedures shall be adhered to when using DPD's physical fitness facility:

- All users are required to sign in and sign out;
- All facility users are required to wear appropriate clothing, which includes shirts, pants/shorts, and athletic shoes;
- All equipment, to include audio equipment, is on a first-come first-serve basis;
- Audio should be kept at a reasonable volume so as to not disturb other employees or interfere with work that is occurring nearby;
- Conduct and language is to conform to DPD Standards;
- Each user is responsible for general housekeeping of the facility and for returning all equipment to its proper place after use;

- Lockers are for use while exercising. Temporary assignments (more than one day), may be made during recruit training and for their instructors during the training period. Facility users will provide their own locks;
- Management of the facilities is assigned to the Training Division.

Cerelyn J. Davis
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **2023**

CLOTHING ALLOWANCE - RESCINDED

Effective Date: 12/15/1995	Revision Dates: R-1 07/25/2003; **Rescinded 02/09/2010**

On February 9, 2010 this general order was rescinded.

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **2024**

TRAINING COMMITTEE - RESCINDED

Effective Date: 12/15/1995	Revision Dates: **Rescinded 09/01/2002**

On September 1, 2002 this general order was rescinded.

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **2025 R-6**

IN-SERVICE TRAINING

Effective Date: 12/15/1995	Revision Dates: R-1 03/01/1996; R-2 05/01/1996; R-3 04/15/2001; R-4 01/10/2005; R-5 11/22/2006; **R-6 12/01/15**

INTRODUCTION

In-service training is intended to accomplish departmental objectives with respect to the skills, knowledge, and abilities of employees. All sworn personnel are required to complete an annual retraining program required by the North Carolina Criminal Justice Education and Training Standards Commission and the Commission on Accreditation for Law Enforcement Agencies (CALEA). This mandated training shall include training topics required by the Commission. . The Training Division Commander may mandate other in-service training for all or certain sub-sets of Department members. The Training Division may also make available non-mandatory in-service training.

Employees assigned to attend training shall be given support and cooperation from their supervisors, and shall participate to the best of their abilities.

GOALS AND GUIDELINES

The department recognizes that one of the most important responsibilities of any law enforcement agency is training. Training fosters cooperation and unity of purpose. Well-trained officers are generally better prepared to act decisively and correctly in a broad spectrum of situations and with greater productivity and effectiveness.

The Training Unit ensures that the needs of the agency are addressed in terms of State and City requirements, accreditation standards, and departmental goals and objectives. To meet these needs, training programs will be developed from several sources, including agency personnel and administration, the Chief of Police, and departmental needs as determined through training surveys. The Training Unit will be accountable for all training provided.

ATTENDANCE AND PARTICIPATION

Supervisors and other ranking officers assigned to attend training will have responsibility for leadership as well as learning, and are expected to set an example of participatory excellence and professional conduct. All participants are expected to maintain the professional conduct required by their regular duty assignments. The training staff will document attendance. Training staff will send notification of absence and/or misconduct to the appropriate division commander.

The Training Division may elect to deliver in-service training via an online program. When an online in-service training course is posted, members required to take the training will be notified of:

- The system being used and instructions for accessing the system.
- The time frame the course will be available online and the due date the course must be successfully completed by.
- Any special instructions for the course.

All members assigned online mandatory in-service training are required to successfully complete the course by the assigned due date. Completion of a course occurs when all modules of a course have been completed, reviewed by the instructor and verified as having passed the course. Once starting a course, officers are required to respond to any instructor feedback and make corrections by the assigned due date in order to successfully complete the course. Failure to complete an online mandatory in-service training course may result in disciplinary action.

Employees may be excused from departmental training in cases of emergency; where employees are sick or injured to the extent that attendance or participation would be ill-advised; when employees are required to appear in court; and when excused by supervisors based on departmental need.

The Training Director will set the dress code for departmental training and announce the appropriate dress within the notification of training. Members are expected to dress in business casual attire for classroom/seminar style training unless advised otherwise by a member of the Training unit or the class instructor.

IN-SERVICE TRAINING COORDINATOR

The In-Service Training Coordinator will be designated by the Training Commander and assume the following responsibilities:

* Coordinate all in-service departmental training; schedule training topics based on input from commanders, the Training Director, and training surveys.
* Provide liaison with operational components of the department.
* Serve as advisor on matters related to the development and delivery of in-service training; ensure lesson plans developed for in-service training are uniform and meet proper standards for instruction.
* Arrange for the use of appropriate audio-visual equipment and other training materials as necessary for delivery of training.
* Publish monthly training schedules to be distributed through the chain of command.
* Provide documentation of successful completion for all departmental training that will be maintained on file.

TRAINING SURVEYS

Training surveys may be distributed to all division commanders on an as needed basis in order to identify and prioritize training needs. They will be used to develop agency training programs.

Commanders will identify those training topics which they deem necessary to meet the overall needs of the division.

Employees within each division may also be given the opportunity to identify training topics they feel necessary to perform or enhance their performance.

ROLL-CALL TRAINING

Roll-call training is designed to supplement all other formal training sessions and provide a means by which officers may become better informed on changes and updates occurring in policies, procedures, and issues in the law enforcement field.

Each Commander will be responsible for determining training topics as well as monitoring and evaluating the training provided. The supervisor or designee will administer roll-call training on a daily basis. When planning roll-call training, supervisors should identify training topics needed, determine training objectives, designate a roll-call training coordinator and indicate the maximum amount of time available for the presentation of each topic. Supervisors should use the lecture method of instruction. Training staff will provide instructional materials and techniques upon request.

IN-SERVICE TRAINING

Division In-Service Training

Division in-service training is task specific to the individual division conducting the training.

Uniform Patrol

Uniform Patrol generally conducts this training at the district level on the weekend of day shift. This usually requires a district or entire work unit to be out of service for an extended period of time. The topic for this type of training will be determined by input submitted to the Training Division. Training schedules for this type of training will be published and distributed through the chain of command.

Certified instructors will primarily conduct instruction unless otherwise specified. The training will be monitored and evaluated by the instructor or designee. Documentation for this training will be the responsibility of the District Commander. Documentation and training attendance rosters should be forwarded to the department In-Service Training Coordinator upon completion of training.

Districts are encouraged to train together as much as possible to strengthen interaction among officers and provide continuity in training.

Other Divisions

Divisions other than Uniform Patrol will conduct similar types of training based upon their unique job requirements.

Certified instructors will primarily conduct instruction unless otherwise specified. The training will be monitored and evaluated by Division Commanders or designee. Documentation for this training will be the responsibility of the instructor. Documentation and training attendance rosters should be forwarded to the department In-Service Training Coordinator upon completion of training.

Department In-Service Training

Department in-service training is general to the needs of all department members. It will include all mandated/required training as well as topics recommended by the training staff. These topics are developed based upon input from the Chief of Police, Bureau/Division/District Commanders, and Unit Supervisors.

The Training Division will develop an annual training schedule to include the appropriate times and topics to be taught. The training will be monitored, approved and evaluated by the Training Commander. Documentation for

this training will be the responsibility of the In-Service Training Coordinator, who will maintain a file of all lesson plans, training attendance rosters and test scores, if administered.

Ensuring timely attendance of all members at these in-service training sessions shall be the responsibility of the instructor who will notify the Training Commander of any absences or disruptions. Police personnel that are late or miss scheduled training days and on-line training opportunities without an excused absence will be held accountable and subject to the appropriate disciplinary action.

ADVANCED TRAINING

Advanced training may be necessary and/or beneficial to certain positions. The following criteria will be used in selecting personnel to attend advanced training:

* Needs of the department,
* Rank of officer, (and/or)
* Specialized skills needed.

Advanced training will be provided to all members promoted into new positions that will provide the skill development necessary to function in the new position. Training for officers promoted into positions of Lieutenant and above will include areas such as communication of objectives, delegation, fiscal management, and decision-making. Members promoted into supervisory positions will be given training in areas such as supervision, administrative skills, and coaching/counseling.

TRANSFER TRAINING

Personnel transferred from one division to another shall receive task-specific training before being allowed to work independently in the new assignment. Division Commanders will determine the type, method, and amount of training. All transfer training must be documented with a statement of successful completion.

SPECIALIZED TRAINING

Personnel assigned to specialized areas and divisions and/or performing specialized tasks will be provided specialized training. Training shall include the following:

* Development and/or enhancement of the skills, knowledge and abilities particular to the specialization;
* Management, administration, supervision, personnel policies and support services of the function or component; (and)
* Supervised on-the-job training.

Positions identified for this training include: Captains, Lieutenants, Sergeants, Corporals, officers in specialized assignments as outlined in General Order 1020 *Specialized Assignments*, and members assigned functions which require skills, knowledge, or abilities outside the primary responsibilities of previous assignments. Training will be initiated as soon as practical upon assignment or promotion.

NEW-HIRE ORIENTATION AND TRAINING

The following training will be provided to all employees:

* New Employee Orientation

* Development of skills, knowledge, and abilities necessary to maintain proficiency in essential job functions of individual positions
* Supervised on-the-job training
* Training in accreditation standards, general orders, city policies and procedures, the goals and objectives of the police department, and all rules and regulations needed for individual positions, and rights of employees, including grievance and disciplinary procedures

SPECIALIZED NON-SWORN PERSONNEL TRAINING

Non-sworn personnel in Forensic Services, Warrant Control/DCI, Records, Emergency Information Systems, and any other non-sworn positions designated by the Chief of Police will receive training in addition to the orientation training indicated above. These employees will undergo classroom and/or on-the-job training as needed to obtain necessary updates required for certification and/or proficiency in their essential job functions.

REMEDIAL TRAINING

Supervisors will determine when remedial training is necessary due to inadequate performance within their work unit. Prior to recommending remedial training or taking direct action to remedy an employee's training needs, the supervisor will determine the extent of the training needs through direct observation of the employee's performance, consultation with other staff members, or through an examination of the employee's work product. Employee performance should be evaluated based on general orders, city policies and procedures, BLET guidelines established by the NC Training and Standards Commission, and in lesson plans on file in Training.

If the inadequate performance is due to a need for retraining, the supervisor will take the necessary steps to provide the training and/or develop the employee's skill. If the inadequacy would expose the public to unnecessary danger or the department to substantial liability, the steps to correct the inadequacy must be taken immediately. Training staff will work with supervisors to provide necessary remedial training. Failure or refusal to participate in remedial training may result in disciplinary action.

Upon completion of all assigned remedial training, members will submit any certificates or acknowledgements of completed training to Employee Services for inclusion in their personnel file. Certificates/acknowledgements of completed training may also be supplied to the appropriate supervisor upon direction.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **2026**

BIAS-BASED POLICING - RESCINDED

Effective Date: 09/01/2002	Revision Dates: R-1 12/05/2003 **Rescinded 04/28/2004**

On April 28, 2004 this general order was rescinded and re-numbered to G.O. 4074.

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **2027 R-2**

DEPARTMENTAL RETIREMENT PROCEDURES & HONORS

Effective Date: 01/06/2003	Revision Dates: R-1 06/11/2003; **R-2 04/28/2004**

INTRODUCTION

The North Carolina General Statutes provide for the disposition of the badges and weapons of retired and deceased members of law enforcement agencies. The policies of the Durham Police Department that deal with this issue shall conform to North Carolina General Statute 20-187.2, and shall not be in conflict with any federal, state, or local law.

Due to the long-standing departmental tradition of these awards, it shall be the policy of the Durham Police Department that any sworn Department member who retires honorably with at least twenty years of service shall be entitled to various Departmental honors.

Any badges or firearms awarded within the scope of this General Order shall be awarded at no cost to the receiving member or survivor.

DEFINITIONS

The following definitions shall apply to this General Order:

Retirement – Directly leaving the employ of the Durham Police Department and being immediately eligible for the benefits provided by the North Carolina Local Governmental Employees' Retirement System. This would not include members leaving the employ of the Durham Police Department prior to being eligible for retirement benefits, but who still at some later date receive a benefit from the North Carolina Local Governmental Employees' Retirement System due to prior contributions.

Years of Service – Full time, paid, sworn law enforcement service with the Durham Police Department, added to reserve sworn law enforcement service with the Durham Police Department, added to up to five years of full time, paid law enforcement service as a sworn officer with any other law enforcement agency in North Carolina.

APPLICATION PROCESS AND AUTHORITY OF THE CHIEF OF POLICE

North Carolina General Statute 20-187.2 authorizes the Durham City Council, as the governing board of the City of Durham, to, at its discretion, award the service sidearm of retired or deceased members as described in this General Order. The Durham City Council has, by resolution, delegated this authority to the Chief of Police. Any retiree or survivor who would like consideration given to the award of a badge or service sidearm under the provisions of this General Order shall fill out Attachment A, the Retention of Service Sidearm and Badge form,

and submit this form to the Chief of Police. The awarding of such items shall be at the sole discretion of the Chief of Police.

BADGES

Any sworn Department member who retires due to any reason shall be awarded at no cost the last badge that he or she wore while on duty.

The surviving spouse of all sworn Department members who are killed in the line of duty or were Department members at the time of their deaths shall be awarded at no cost the last badge that the member wore while on duty. In the event that such a member dies and is not survived by a spouse, the surviving children, shall be eligible to apply to receive the last badge that the member wore while on duty.

SERVICE SIDEARM

The following categories of Department members and survivors shall be eligible to apply to receive the service sidearm that was carried on duty by the member:

- Any sworn Department member who retires honorably after at least twenty (20) years of service, as defined above.
- The surviving spouse of all sworn Department members who are killed in the line of duty. In the event that such a member dies and is not survived by a spouse, the surviving children may apply.
- The surviving spouse of all sworn Department members who die while they are currently employed by the Department, and who have accumulated enough service time that they would have been eligible to retire and receive immediate retirement benefits provided by the North Carolina Local Governmental Employees' Retirement System. In the event that such a member dies and is not survived by a spouse, the surviving children shall be eligible to apply to receive the sidearm.

PISTOL PERMITS AND RECORD KEEPING

In order for a member or his or her survivors to receive his or her duty sidearm under the above provisions, the member or survivor must comply with North Carolina General Statute 14-402 et seq. This statute requires that the receiver obtain a pistol permit from the Sheriff of his or her county before a pistol or revolver may be transferred to the receiver. The Durham Police Department shall indefinitely keep on file this pistol permit along with a copy of Attachment A, the Retention of Service Sidearm and Badge form.

PSYCHOLOGICAL AND STRESS RETIREMENTS

Any member who retires prior to completing twenty years of service, or who retires after twenty years of service due to stress or other psychological factors, shall not be eligible to receive his or her duty sidearm, but shall be awarded his or her badge, as described above.

PUBLIC SAFETY

No member or survivor shall be awarded a firearm if he or she is suffering from or has suffered from alcoholism, drug addiction, or any other illness or condition that may affect the safe handling of a firearm, or if it would be illegal to transfer a firearm to the member due to any federal, state, or local law.

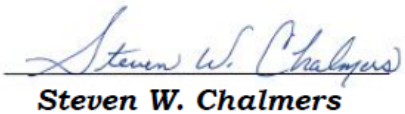
RETIREMENT PLANNING CONSIDERATIONS

In order to maximize the value of retirement benefits to retiring members of the Department, it is recommended that members deliberately plan their retirement. In order to do so, members are advised to take the following steps:

- Early in their careers, obtain a copy of the City of Durham Retirement Planning Time Line from the City of Durham Human Resources Office. This guide helps in planning for eventual retirement, and will be useful to have as one nears retirement.

- Within six months prior to anticipated retirement, contact the Employee Services Unit to discuss what activities need to take place in order to retire at the desired time.

- At any time prior to retirement, members may contact the State of North Carolina Treasurer's Office Retirement Systems Division for information on the amount of service time accrued, purchasing time from military or other sources, and potential retirement dates and benefits.



Steven W. Chalmers
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **2028**

EDUCATION & LANGUAGE INCENTIVE PAY

Effective Date: **01/10/2005**	Revision Dates:

EDUCATIONAL INCENTIVE

The City of Durham and the Durham Police Department recognize that officers who have achieved a college education are a great asset to the Department. In order to encourage sworn Department members to achieve their educational goals, the following Educational Incentive Pay shall be in effect:

Associate's Degree:

All sworn members who possess or obtain an associate's degree from a regionally accredited community college, college or university shall be paid at 2.5 per cent above their base pay, in addition to any other incentives.

Bachelor's Degree:

All sworn members who possess or obtain a bachelor's degree from a regionally accredited college or university shall be paid at 5 per cent above their base pay, in addition to any other incentives.

Master's or Higher Degree:

All sworn members who possess or obtain a master's degree or higher degree from a regionally accredited college or university shall be paid at 5 per cent above their base pay, in addition to any other incentives.

Combinations of Degrees:

The educational incentive shall only be paid based on a member's highest educational achievement, and the incentives shall not be added together. For example, if a member has an associate's degree and also has or later obtains a bachelor's degree, the member would increase from a 2.5 per cent incentive to a 5 per cent incentive, and not to a 7.5 per cent incentive.

Multiple degrees of the same type shall also not add to this incentive. For example, if a member has an associate's degree in criminal justice, and also has or later obtains an associate's degree in fire science, there shall not be any additional pay incentive.

FOREIGN LANGUAGE PROFICIENCY INCENTIVE

It is widely known that the City of Durham is a multi-cultural City. Since members of the Department frequently come into contact with people who speak different languages, it is an asset for members of the Department to speak these languages.

The Chief of Police shall determine which languages are the most beneficial to the Department for its members to speak. Only proficiency in these languages shall make a member eligible for this incentive.

As of Fiscal Year 2004-05, and until this General Order is modified, the following languages makes a sworn member of the Department eligible for the Language Proficiency Incentive:

- Spanish
- American Sign Language

Members may write a memo through their chain of command to the Chief of Police requesting the addition of other languages to this list. This memo shall outline the reasons that this language should be included, and shall include statistics about the community in Durham that speaks such a language and whatever supporting material that is available that would help the Chief make his or her decision. The Chief of Police shall then consult with Human Resources and shall then determine whether or not to add the language(s) to this list.

The Language Proficiency Incentive is available to full-time, sworn Department members who satisfy the following requirements:

- Pass an oral, practical, and/or written test developed and administered by the City of Durham Human Resources Department to determine language proficiency ("Durham Police Non-English Language Proficiency Test"); and
- Maintain current proficiency in their Non-English Language.
- Attend any refresher training in their Non-English Language skills that may be required by the Human Resources Department.
- Pass any re-certification test for their Non-English Language skills that may be required by the Human Resources Department.
- Translate for other Department members or communicate directly to Non-English language speakers in the course of Department business whenever it is requested, and the member is on duty and is not engaged in duties for the Department that are more important than the use of their language skills.
- Obtain a "Meets Expectations" or "Exceeds Expectations" on the Performance Standard of "Non-English Language Proficiency."

Supervisors of members who pass a Durham Police Non-English Language Proficiency Test shall monitor their employee to make sure that they are willingly complying with the requirements above bullets. Supervisors of these employees shall ensure that "Non-English Language Proficiency" is one of the employee's performance standards.

Members who take, but do not pass, a Durham Police Non-English Language Proficiency Test may appeal this decision in writing to the City of Durham Human Resources Director. The Director shall consider this appeal and take appropriate steps to investigate the circumstances. The decision of the Director in these cases shall be final.

The Language Proficiency Incentive shall be paid in a lump sum in the year after the translation services have been provided, on the member's anniversary date. Initially, a partial year of service shall be paid for on a pro-rata basis, calculated from the date of successfully passing a Durham Police Non-English Language Proficiency Test to the member's anniversary date.

If a member receives a "Does Not Meet Expectations" for "Non-English Language Proficiency" or stops using his or her skills to the benefit of the Department, any Language Proficiency Incentive shall not be paid. Any

member who falls into this category shall have to re-take a Durham Police Non-English Language Proficiency Test before he or she shall again be eligible for the Language Proficiency Incentive.

Steven W. Chalmers
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **2029**

SECONDARY AGENCY EMPLOYMENT

Effective Date: **07/22/2010**	Revision Dates:

INTRODUCTION

Secondary agency employment is a privilege granted to sworn officers and while reasonable efforts will be made to accommodate such employment, the Department may prohibit or limit employees from working in that capacity. An individual's regular employment duties take precedence over any secondary agency employment.

EMPLOYMENT RESPONSIBILITIES

The employment responsibilities to this Department are primary for any member working full-time. Any other employment requiring sworn law enforcement capabilities in which that person chooses to engage is considered a secondary agency. Members may not engage in secondary agency employment without prior written approval from the Chief of Police. This will determine that the secondary agency employment does not directly or indirectly create a conflict of interest with the Department or impair the employee's ability to perform all expected duties.

ELIGIBILITY

Must be either an active duty Durham Police officer below the rank of Assistant Chief or an active member of the Police Reserves.

Must have completed all phases of PTO/Field training.

Must maintain an overall rating of meets or exceeds expectations on his/her most recent performance evaluation.

APPROVAL OF SECONDARY AGENCY EMPLOYMENT

All sworn members of the Department requesting secondary agency employment must submit the Secondary Agency Employment Request (Attachment 1) through their chain of command to the Chief of Police. A separate form must be completed for each agency the officer wishes to work at. Each supervisor in the chain of command shall determine if the employment would create or have an appearance of a conflict of interest or otherwise impact adversely on the goals of the Department. If the request is disapproved, the Supervisor will provide written comments explaining their decision. Supplemental information can be attached if needed. All request forms, once signed by the Chief of Police, will be maintained by the Secondary Employment Coordinator.

Once approved, if the scope, responsibilities, or duties of an approved secondary agency employment changes, the officer must resubmit the Secondary Agency Employment Request form, explaining the change in responsibilities. The officer will not perform the new responsibilities prior to the Chief of Police's approval.

RESTRICTIONS

Members shall not be eligible to engage in any form of secondary agency employment if:

- It conflicts with Departmental on-duty hours.
- While on injury leave with the Durham Police Department for an on-duty injury or through a worker's compensation claim, or while on medical or other leave due to sickness or temporary disability.
- They are rendered unavailable for emergencies for their job with the Durham Police Department. Members engaged in secondary agency employment must respond to emergency call-backs and Unit callouts from this Department.
- It physically or mentally exhausts the member or if in the opinion of their supervisor it noticeably degrades his/her performance.
- The member receives a disciplinary action greater than a written reprimand.

Members are prohibited in using the arrest authority granted by the Durham Police Department for any reason while actively engaged in secondary agency employment.

Members are prohibited in using in any manner any Departmental property, including vehicles, firearms, issued uniforms, identification credentials, and telephones while engaging in secondary agency employment.

Violation of Departmental policy may lead to revocation of secondary agency employment privileges.

HOUR LIMITATIONS

Any full-time officer wishing to work for a secondary agency will maintain a profile within the Durham Police Department's secondary employment CYA system. Full-time officers must enter all secondary agency work into the CYA System. Secondary agency employment is limited to 100 hours per month and will accumulate in combination with Department secondary employment. Any work performed at a secondary agency will count toward the 100 hour monthly limit for secondary employment. For example, an officer works 40 hours of secondary employment for the Department and 60 hours for a secondary agency will have reached his/her 100 hour limit for the month and will not be permitted to work additional hours for the secondary agency nor secondary employment.

WORKERS' COMPENSATION AND CIVIL LIABILITY

In no instance will the City accept any liability, including Worker's Compensation liability or civil liability due to a member's actions in a secondary agency employment capacity.

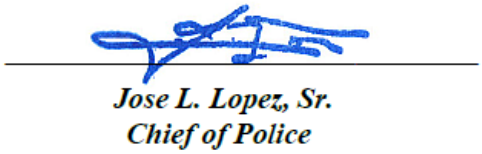
A member who is injured as a result of performing an approved secondary agency employment shall as soon as possible, contact their immediate supervisor and inform him/her about the nature of the injuries. Injured members will be required to use approved "Leave"(Annual, comp or Sick).

ATTENDING COURT

Members who are required to go to court due to secondary agency employment shall be required to attend court during the member's off-duty time. Members shall not wear any Department issued uniform or equipment that could give a reasonable person the impression that member is testifying on behalf of the Durham Police Department.

SUPERVISOR NOTIFICATION

Any member who, while engaging in a secondary agency employment position, who becomes involved in, or is alleged to have been involved in any situation that would be a violation of law or Durham Police Department policy, must notify their immediate Durham Police Department supervisor without delay. The immediate supervisor of the affected member shall, as soon as practical, notify their chain of command.



Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **2030 R-1**

COURTESY OFFICER PROGRAM

Effective Date: 07/22/2010	Revision Dates: **R-1 09/28/2011**

INTRODUCTION

The Durham Police Department allows officers to participate voluntarily in the Courtesy Officer program. This program allows members who reside in multi-family communities or housing within the Durham City limits, to receive reductions in rent in exchange for law enforcement services. These members are encouraged to interact with residents and apartment managerial staff or landlords as necessary. The relationship of the officer to the residents and landlord is solely personal, however all Courtesy Officers are continually subject to Department rules and policies.

ELIGIBILITY/APPROVAL

Officers interested in participating in the courtesy officer program must have completed all phases of PTO/Field Training, and must maintain an overall rating of meets or exceeds expectations on his/her most recent performance evaluation.

Officers must receive prior approval to participate in the program by submitting the Courtesy Officer Request (Attachment 1) to the Chief of Police through the chain of command. If the request is disapproved, the Supervisor will provide written comments explaining their decision. All request forms, once signed by the Chief of Police, will be maintained by the Secondary Employment Coordinator.

Any time an officer ends participation in the Courtesy Officer program, they must notify the Secondary Employment Coordinator of the termination date.

REGULATIONS

Officers participating in the Courtesy Officer program must maintain their primary residence at the location the services are provided.

Officers acting under the capacity of this program will not:

- Become involved in notification of evictions,
- Participate in the collection of rent/bad checks, or
- Enforce rules, regulations or policies of the housing community.

WORKER' COMPENSATION/CIVIL LIABILITY

The City of Durham cannot pay the benefits created by the Worker's Compensation Act for an injury occurring while participating in the courtesy officer program, nor can the City be responsible for defending a civil lawsuit and payments of claims or damages awarded to a citizen because of an incident arising during the courtesy officer program.

The sole exception to this is an incident arising directly out of an arrest or other law enforcement function while serving as a Courtesy Officer that is within the scope of the officer's City employment. Thus, an officer participating in the courtesy officer program who is making an arrest or performing other functions unique to law enforcement in response to an incident, will have the same Workers Compensation benefits and protection against civil liability claims as an on-duty officer, assuming the officer is within his territorial jurisdiction.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **2031**

SECURITY OF SENSITIVE & CONFIDENTIAL INFORMATION

Effective Date: **11/10/2010**	Revision Dates:

INTRODUCTION

The Durham Police Department will maintain procedures for the protection of sensitive and confidential information. Sensitive data is privileged or proprietary information which if compromised through alteration, corruption, loss, misuse or unauthorized disclosure could cause serious harm to the organization or person owning it. Sensitive data maintained by the Department includes, but is not limited to, social security numbers, drivers' license numbers, personal medical information protected by HIPAA, law enforcement intelligence information, notes and files related to on-going investigations, employee personnel files, credit card information, and the home phone numbers and addresses of police personnel.

This General Order and the Standard Operating Procedures developed by each Unit and Division within the Police Department will supplement and not supersede City policy FP 706.03, Security of Sensitive and Confidential Information and Breach Response Plan.

REGULATIONS

Employees who have access to sensitive and confidential information will create, handle, maintain and dispose of such information with prudent care to avoid unauthorized access through a technology or physical breach. The following regulations must be followed to maintain confidentiality:

- Access to sensitive and confidential information will be limited to authorized employees.
- If sensitive information is written on paper for reference, it must be shredded upon recording the information in the final destination unless this information is considered criminal discovery and must be maintained in the case file as described in GO 4070.
- Sensitive information will <u>not</u> be included on printed reports except as needed for the performance of essential tasks.
- Upon leaving your work area, log off or lock the workstation.
- Documents that contain sensitive information will be stored in a locked file cabinet or secured room and access to the area will be limited to appropriate personnel.
- Sensitive and confidential information will be released in accordance with State Statute and staff will consult the City Attorneys as appropriate before releasing sensitive and confidential information to third parties.

- Any employee who becomes aware of an unauthorized access of sensitive and confidential information must report the incident immediately to their supervisor, who in turn, will report the incident through their chain of command to the Chief of Police.
- Persons authorized to handle sensitive and confidential information will be required to read this General Order, their unit's Standard Operating Procedures, City Policy #FP 706.03 and sign the City's "Sensitive Information User Agreement" (Attachment 1) which will be maintained in the employee's personnel file.

PURGING SENSITIVE DOCUMENTS

Documents ready for destruction according to the Municipal Records and Retention Schedule that contain sensitive and confidential information will be disposed of by shredding. Documents will never be disposed of in a trash can or recycle bin if the documents have not been shredded. Employees authorized to handle sensitive and confidential information must have supervisory approval before destroying such documents.

Documents with sensitive and confidential information will be shredded by the individual who has authorized access to the data or by another employee who is in the presence of the authorized employee.

The Department may enter into a contract with a third party in the business of record destruction to destroy sensitive and confidential information in a manner consistent with City policy #FP 706.03.

STANDARD OPERATING PROCEDURES

Each Division and Unit in the Police Department that handles sensitive information will develop Standard Operating Procedures which detail the following information:

- Specific types of sensitive information maintained and the reasons why it is maintained.
- Specific position titles within the Division/Unit that have access to the information.
- To whom the information may be released to and under what conditions.
- The location and method for secure storage of the information when not in use.
- The retention period for the sensitive information.
- The disposal method at the end of the retention period.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **2032 R-1**

SOCIAL MEDIA

Effective Date: 01/31/2011	Revision Dates: **R-1 05/16/2016**

INTRODUCTION

The Durham Police Department recognizes and supports the rights of all employees to engage in personal internet based activities including social networking and media while off-duty to the extent that those private or personal activities do not infringe upon the integrity, efficiency, or security of the Department's operations, objectives, employees, or clients. Department members are held to a higher standard than the general public with regards to conduct and therefore are required to maintain professionalism in both on-duty and off-duty activities and not engage in conduct that contradicts or impedes the mission of the Department.

DEFINITIONS

Social Media – internet based resources that enable users to display and share content or communication. For the purpose of this policy, social media includes websites, social networking sites/applications, blogs/vlogs, chat rooms, internet based forum

Social Networking – the use of social media to create profiles, share information and communicate with others.

Profile – information a user shares about themselves that is linked to their social media account.

Post – Content that is shared or published on a social media site.

DEPARTMENT SOCIAL MEDIA

The Durham Police Department may maintain profiles on social media sites to represent the Department. The Public Affairs unit is responsible for maintaining information on these profiles. Only members of the Public Affairs unit are permitted to post on Department sites unless authorized to do so by the Chief of Police.

Personal use of a social media site occurs when a site is maintained by an employee primarily for non-work related purposes. Employees are permitted to publicize Department maintained sites to their personal sites.

PERSONAL USE OF SOCIAL MEDIA

Employees, who have personal social media accounts, will not identify themselves directly or indirectly as an employee of the Durham Police Department unless otherwise allowed by this policy.

The Department highly values and acknowledges the benefits of employee participation in professional networking sites, e.g. LinkedIn and others approved by the Chief of Police, or law enforcement social media or

networking sites and hence, nothing in this general order is intended to deter or prohibit employees from participating, accessing or posting in those sites to accomplish a law enforcement/employment related objective.

Employees may include content that depicts them in uniform, utilizes department logos or images in the promotion of City/Department and community events. Such depictions must not negatively affect or harm the public's perception of the Department. Examples of approved depictions include:

- Ceremonies such as graduations, promotions and honor guard activities
- Community events or other professional interactions with community members

Employees are cautioned to consider the impact that posted content may have on their personal safety and professional activities. Should personnel choose to identify themselves as members of the Durham Police Department directly or indirectly they are encouraged to utilize available security and privacy settings. Members who post photographs or videos depicting other department employees are expected to remove such content upon the request of the other employee or supervisor. Members are prohibited from posting photographs or any other type of identification that may compromise the safety of any employee.

Employees should never assume that content on a social media is private. All members should monitor content on their social networking sites with the expectation that the information will be viewed by both members of the public and the Department. While using social media sites, employees will conduct themselves in a manner which does not, or is unlikely to bring discredit upon individuals, the Department, the City of Durham, or the community. Employees should consider the possible adverse consequences of internet postings, such as future employment, cross examinations in court cases and public as well as private reputation.

Employees may not represent their opinions or comments as that of the City of Durham or the Durham Police Department or as an official of the City or Department.

Employees are prohibited from posting, broadcasting or otherwise disseminating any sexual, violent, racial, ethnically derogatory material, or comments, pictures, depictions, video or other references on their website or through any other medium of communication.

Employees are prohibited from using social media sites to harass, or belittle any person in any manner, or to criticize employees of the City of Durham or any agency or entity with which the City regularly conducts business or engages in the performance of its work, unless such criticisms relate to a matter of public concern.

Unless acting in the performance of their duties, employees are prohibited from posting, or in any other way broadcasting, or disseminating information on the internet through social media, or any other medium of communication, the business of this Department including, but not limited to, the following:

- Photographs/images, videos, audio files, or information related to any incident, inquiry, or investigation;
- Any information relating to operations, assignments, or training activities;
- Any information relating to their duties or any information they have learned as a result of their duties.

AGENCY EQUIPMENT

Employees are prohibited from using agency-owned computers, cell phones, audio or video equipment to post, write or respond to any type of social media for personal use. Allowable exceptions are:

- Participation in an active criminal investigation and the postings are part of the investigation;
- Participation in an administrative investigation;

- Participation in law enforcement sites; or
- With authorization from the Division Commander.

REGULATIONS

Employees will be held responsible for the content that appears on their social media sites and are obligated to remove any postings or material contributed by others that would violate this policy had the material been posted by the employee.

Employees may be required to provide the Department with access to the social media in which they participate or maintain if a complaint has been received or they are subject to an internal investigation relating to content on those sites.

Larry C. Smith
Interim Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **2033 R-3**

TERM LIMITS

Effective Date: 06/05/2011	Revision Dates: R-1 09/28/2011; R-2 04/04/2014; **R-3 04/28/2014**

POLICY

In the interest of staff development and in order to maximize opportunities for all capable and interested candidates, the Police Department will maintain limits on the length of time any individual sworn unit/division assignment may last.

SUPERVISORS

All supervisors (Corporal and above) may stay in a unit/division a maximum of six (6) years. At the end of such term, the supervisor will be required to request or accept an assignment outside the current unit and division. For the purposes of this policy, corporals who are promoted while working in a specialized unit, and who are selected to remain in that specialized unit/division as the sergeant, will not receive the benefit of beginning a new six-year period.

There will be no term limits placed on the rank of Police Officer or Uniform Patrol Supervisors. For the purposes of this policy HEAT and K-9 are considered specialized units.

For purposes of this policy, District Investigation supervisors and Criminal Investigation supervisors are the same. Consequently, transferring from District Investigations to CID will not begin a new six-year time period.

Upon transfer due to term limits, you must be out of that unit/division for a minimum of six months before returning to that unit/division.

TASK FORCE MEMBERS

All officers, when assigned to a Federal Task Force, may stay in that position for a maximum of six (6) years. Additional extensions may be granted by the Division Commander if deemed in the best interest of the Department / Division. These extensions will be evaluated by the Investigative Services Bureau Commander in one (1) year increments.

RETIREMENT EXEMPTION

If at the end of a full six (6) year term limit, a supervisor has two years (24 months) or less to work in the Department before retirement and requests to remain in their current assignment, they may be allowed to do so at the discretion of the Division Commander, unless the Chief of Police determines compelling justification to deny the exemption.

TIMEKEEPING

The Department Employee Services unit will maintain a record of time in service for all employees. Employee Services will provide notification to affected employees who have reached their maximum time in service limit. Officers requesting an assignment transfer must do so in accordance with G.O. 2014 Assignments and Transfers of Sworn Personnel.

Each commander has the responsibility of tracking time served by subordinates serving under his/her command.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **2034**
	MILITARY LEAVE	
Effective Date: **07/06/2015**	Revision Dates:	

INTRODUCTION

The Durham Police Department supports members who provide service in the United States Military and North Carolina National Guard. This policy provides guidelines for supervisors and members who receive activation orders that will exceed 90 days for service related obligations. It supplements city Policy HRM-603 Military Leave and requirements established by the Uniformed Services Employment and Reemployment Rights Act and N.C.G.S. §127A, Article 16.

CITY POLICY HRM-603 – MILITARY LEAVE

The City Human Resources department is the primary HR point of contact for processing all relevant paperwork regarding military leave. Employee Services personnel and the affected member's supervisors will coordinate with HR to ensure that necessary department documentation and processes are addressed.

Supervisors and affected members will refer to the City's Military Leave policy for the following procedures:

- Submission of orders to HR
- Receipt of benefits during leave
- Short term deployment and training (less than 90 days)
- Payment processes during leave

UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA) AND N.C.G.S. §127A, ARTICLE 16

USERRA is a federal law that establishes rights and responsibilities for members of the Armed Forces of the United States and their civilian employers in order to: encourage service in the uniformed services by eliminating or minimizing the disadvantages to civilian careers which can result from service; minimize disruption to the lives of the service members and their employers by providing prompt reemployment upon completion of military service; and prohibit discrimination against persons because of their service in the Armed Forces.

Similar to USERRA, N.C.G.S. §127A, Article 16 sets forth the reemployment rights of members of the North Carolina National Guard.

Supervisors and Employee Services Unit members working with a member of the Armed Forces or National Guard should be familiar with USERRA and N.C.G.S. §127A, Article 16 to ensure that members' rights are being upheld.

PRE-SERVICE OBLIGATIONS

When a member is notified that they are being ordered to active duty, they will immediately notify their supervisor who will, in turn notify Employee Services and the Chief of Police through their chain of command.

Employee Services will identify the City Human Resources contact (hereafter referred to as the "HR contact") that is responsible for processing the leave paperwork and ensure that the member is given their contact information without delay.

Once the member has received their written orders, they are responsible for providing copies of the orders to their immediate supervisor and Employee Services for placement in their personnel file. The member's supervisor is responsible for notifying appropriate department personnel of the member's service obligations on a case by case basis.

The member will communicate with their HR contact and provide all paperwork that is requested. The HR contact will assist in determining the member's use of leave time and pay adjustments. Once all necessary paperwork has been provided, the member will inform their supervisor that this task has been completed.

The member will also schedule a meeting with the Chief of Police, or his/her designee. During the meeting the following topics should be discussed:

- Anticipated length of service obligation, if known.
- Support the department may provide to the member during their absence.
- Establish a communication and reintegration plan to assist the member when they return from deployment. In addition to the HR contact, a member of the department will be selected as a point of contact. The department point of contact may be the member's immediate supervisor; however a different employee may be selected depending on the length of the service obligation.

Officers are not required to turn in uniforms, leather gear, department ID cards or building access cards. These items will be stored in a safe location. Equipment will be turned over to the department prior to their leave from the department under the following circumstances:

- Assigned take-home cars will be turned over the department prior to leave.
- All weapons, including less-than-lethal weapons will be turned over to the department armorer or supply, depending on the weapon.
- Radios, laptops, body cameras, department cell phones and any other piece of electronic equipment will be turned into supply or other appropriate unit depending on the item. The equipment will be turned in prior to their leave.

RETURN TO THE DEPARTMENT

Approximately one month prior to the member's release from service obligations, they should begin communicating with their department and HR contacts to coordinate their return to work. Members are responsible for notifying their department contact if their anticipated return date has changed as soon as reasonably possible. Communication with their department contact may be dependent on the member's assignment and location.

When a member is ready to return to work, their HR contact will assist in the completion of all paperwork and HR actions in accordance with city policy. Their department contact will assist in coordinating the member's return in accordance with the communication and reintegration plan.

Upon returning to work the member will schedule a meeting with the Chief of Police or his/her designee. Aspects of the employee's return to the department will be reviewed and if deemed appropriate, referral to the employee assistance program.

The Training Unit will be notified of the member's return date and will determine what refresher training and certification requirements are needed for the member to return to full duty. The Training Unit will coordinate with the member to ensure that required training is accomplished in a reasonable amount of time. If a returning member's certification as a sworn officer is no longer current, they may be assigned to administrative duty until such time that they have completed the necessary training and qualifications and their certification becomes current.

As a general rule, a member should return to the same assignment they had prior to leave for a service obligation. This may not be possible depending on the operational necessity of their assignment. If an assignment is in a critical position, the department may need to fill it during the member's absence. If this happens, the department will make a reasonable effort to place the returning member in an assignment equivalent to the one they held prior to their leave. If they cannot return to their same assignment, the new assignment will be made in accordance with GO 2014 Assignments & Transfer.

For promotional purposes, if a member is on leave due to service obligations while they are on an active promotional eligibility list, their placement on the list will remain. If on such leave when they are selected for promotion, they will be promoted immediately upon their return to duty, at which time their assignment will be made in accordance with GO 2010 Promotions & Appointments. If a member is on leave due to a service obligation during the testing phase of a promotional process, the department will make reasonable accommodations for allowing the member to participate in the process either while on leave or after return from service.

Upon their return to the department, members are responsible for inspecting all of their issued equipment that they stored to ensure that it is operationally ready. Any equipment that member stored with the department during their leave will be reissued.

Jose L. Lopez, Sr.
Chief of Police

SERIES 3000 – UNIFORMS & EQUIPMENT

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **3001 R-12**

FIREARMS & RANGE PROCEDURES

Effective Date: 12/15/1995	Revision Dates: R-1 11/01/1998; R-2 04/15/2001; R-3 04/15/2002; 07/25/2003; R-5 12/05/2003; R-6 01/10/2005; R-7 04/21/2008; R-8 02/09/2010; R-10 10/08/2012; R-11 04/26/2013; **R-12 02/01/2016**

INTRODUCTION

Officers will only carry firearms and ammunition that have been approved by the Department. In addition, strict guidelines exist to ensure a safe and productive range facility.

DEFINITIONS

Primary On-Duty Weapon – a Department-issued semi-automatic .45 caliber pistol

Backup Weapon – firearm belonging to an officer that has been approved for on-duty carry

Off-Duty Weapon – department issued or provided firearm carried in an off-duty capacity

Specialty Weapons – any weapon not issued to all sworn employees and may require specific assignment and qualifications.

PRIMARY ON-DUTY WEAPON

Officers in uniform and plainclothes will carry a department-issued semi-automatic pistol as their primary duty weapon. This weapon will be carried in the department-issued or approved holster. No ankle holsters are allowed for this weapon. Officers in uniform will carry two loaded magazines in a department-issued magazine pouch. Officers in plainclothes will carry one loaded magazine. Carrying additional magazines is optional for all officers.

Officers in undercover assignments may, with the written approval of their Division Commander use a smaller, more concealable weapon as long as they have successfully fired the Department firearms qualification course with that weapon. This weapon must be selected from the Backup or Off-Duty Primary Weapons List.

Tactical officers will carry the department-issued semi-automatic pistol as their primary duty weapon. This weapon will be carried in a department-issued tactical holster. They will carry a minimum of two additional loaded magazines.

BACKUP WEAPONS

All officers in an on-duty status are authorized to carry a backup weapon. The only department-approved backup weapons shall be Smith and Wesson .38 or .357 caliber, “J” Frame series, five-shot revolvers, Sig-Sauer .380, Beretta .380 Smith & Wesson Body Guard .380, Kel Tec P-3AT .380 and the Ruger LCP .380. Changes to the backup weapons list must be modified by the Chief of Police.

OFF-DUTY WEAPONS

All officers in an off-duty status are authorized, but not required to carry an off-duty weapon. An approved Off-Duty Weapons List shall be maintained at the firing range by the Rangemaster. The Rangemaster is authorized to modify the approved off-duty firearms list and ammunition list with approval of the Training Commander. To enquire about the approved weapons, contact the Rangemaster.

SPECIALTY WEAPONS

Shotguns

Officers authorized to use a shotgun shall only carry the department-issued shotgun, or an approved personally-owned shotgun of the same type. An officer must successfully fire the department shotgun qualification course with the specific weapon in order to carry it.

Absent a securely mounted shotgun rack locking system located inside an assigned department vehicle, shotguns will be stored and secured inside the trunk in a carry case. The shotgun will be stored and loaded with four shotgun rounds in the magazine tube; with the chamber empty and closed, and the safety on. Under no circumstances will a shotgun be stored unsecured inside a department vehicle behind the headrest of the driver or passenger compartment.

No modifications other than the installation of an approved folding stock or an external shell carrier shall be allowed.

Use of personally-owned shotguns must meet the following conditions:

- The shotgun shall be either pump or semi-automatic.
- The barrel length on all shotguns will not be less than 18 inches or longer than 20 inches.
- The shotgun shall be manufactured by a reputable manufacturer. Shotguns made by Remington, Winchester, Beretta, or Benelli shall automatically be approved. All others must be approved by the Rangemaster.
- The officer shall take full responsibility for the security of the shotgun.
- The officer shall be responsible for all repairs and preventative maintenance that is required for the shotgun.
- The Department shall provide appropriate rounds for use on-duty and for qualification.

Automatic Weapons

All officers authorized to use or carry fully automatic, selective-fire weapons shall only carry the H&K MP5, 9mm submachine gun or the Colt M4, .233 submachine gun. Officers assigned specific tactical duties or member of the Selective Enforcement Team are the only officers authorized to use or carry these types of weapons.

Less Lethal Impact Munitions/Chemical Munitions Weapons

Members of the Selective Enforcement Team may be authorized to use or carry the Department issued shoulder mounted 37mm or 40mm less lethal impact munitions or chemical munitions weapon.

Sniper Rifles

Members of **THE SELECTIVE ENFORCEMENT TEAM** authorized to use or carry sniper rifles will carry the **DEPARTMENT I**ssued **S**niper **R**ifle.

Patrol Rifles

All officers authorized to use or carry patrol rifles under the Patrol Sharpshooter program shall only carry the Department-issued rifle.

HOLSTERS AND AMMUNITION SELECTION

Holsters - On-duty

Uniformed officers will wear their department-issued or approved holster, with no exceptions.

Uniformed officers who wish to carry a backup weapon may do so in an ankle holster or an under the shirt style holster such as a vest attachable under the shirt holster, or the commercial T-shirt with a pocket style holster, or in the pocket utilizing a pocket holster manufactured by a reputable holster manufacturer. The holster must be fully concealable and be designed with a safety retention device.

Non-uniformed officers will wear a department-issued belted/paddle “pancake” style holster, or may purchase a department approved inside-the-waistband holster, or shoulder holster. Any officer in plainclothes with a visible weapon must also have a badge visible.

Holsters - Off-Duty

All off-duty weapons will always be carried in a concealed manner. Concealment is authorized anywhere in North Carolina, pursuant to state law. Also, pursuant to federal law, a full time or honorably retired officer may carry a concealed firearm outside of North Carolina. Officers will adhere to state and federal statutes when carrying concealed weapons.

AMMUNITION

Officers will carry only ammunition that is issued or approved by the Durham Police Department. Ammunition will be reviewed, evaluated and tested by the Training Division and/or Rangemaster for approval. **C**hanges in the approved ammunition **SHOULD** occur at the beginning of each fiscal year **DEPENDING ON OPERATION NECESSITY**. A list of approved rounds will be developed and distributed department-wide through memorandum. Officers shall be responsible for carrying the proper ammunition both on and off-duty.

QUALIFICATION

Initial Qualification

Officers of the Durham Police Department shall successfully demonstrate proficiency with each firearm before the Department will authorize them to carry it. Initially, this demonstration of proficiency occurs during basic recruit training and requires a minimum passing score of 80 on the practical test.

Annual Re-qualification

Annual firearms re-qualification is divided into two phases, classroom and practical. A certified firearms instructor will monitor all re-qualification.

During the classroom phase, officers are provided with a block of instruction on firearms familiarization that incorporates the basic fundamentals of marksmanship. In addition, during the classroom phase, officers shall be provided with a block of documented instruction on General Order 4008 - *Use of Force*.

During the practical phase of annual re-qualification, all officers must successfully complete the department's firearms course with a minimum score of 80.

Training and Proficiency Documentation

The State Firearms Qualification Record (Form F-9A) shall be utilized for the purpose of maintaining an annual record of each certified law enforcement officers in-service firearms training and qualification. As such, the form shall also serve as a record of firearms approved by the agency for official use. In addition, all in-service firearms requirements will meet, at a minimum, the qualification requirements described in applicable N.C. Administrative Code. Any future amendments to this code will automatically be incorporated into this and/or other pertinent policies.

On-Duty Handguns

All officers will successfully qualify with their department-issued on-duty weapon on both day and night fire qualification courses at least once a year. Should officers fail to qualify on two successive attempts during their scheduled qualification period, they will be relieved immediately of their current assignment and instructed to report to the Training Unit on their next duty day at a time to be determined by the department Rangemaster.

Off-Duty Handguns

All officers will successfully qualify with their department-approved off-duty weapon on both the day and night qualification courses. If the on-duty weapon is also used off-duty, then the on-duty qualification course will count for both. If a different, currently approved weapon is carried, officers must successfully qualify with it during the firearms in-service qualification period. If the weapon is purchased between qualification periods, it shall be the officer's responsibility to coordinate a qualification time with the Training Unit and Rangemaster.

No weapon will be used off-duty until a successful qualification score of 80 is obtained on the practical test. Officers failing to qualify with their off-duty weapon will be prohibited from carrying it.

Shotgun

Qualification will be conducted during the firearms in-service qualification period. Officers are not required to use or carry a shotgun and therefore, are not required to qualify with this weapon. All officers who wish to carry a shotgun must first qualify with a departmental issued shotgun or a personal weapon authorized by the department. A passing score of 64 is required.

Specialty Weapons

All officers who are authorized to use or carry a specialty weapon will be required to successfully complete the Department's course of fire for that weapon.

Courses of Fire

The Training Unit will design courses of fire for both day and night qualification. Course design shall be in compliance with all State of North Carolina laws and all appropriate rules and regulations as set forth by the North Carolina Criminal Justice Education and Training Standards Commission. The Chief of Police shall approve all courses of fire for all weapons that are approved for use by the Durham Police Department.

Failure to Qualify and Remedial Training

Following any two consecutive unsuccessful qualification attempts, with any weapon the officer is authorized to use or carry, the Rangemaster or firearms instructor will immediately comply with **THE** appropriate N.C. Administrative Code which states, "No officer will carry any weapon unless he/she successfully completes the department-approved course for that weapon". Remedial firearms training shall be considered a priority issue of the Rangemaster and training staff.

Without a medical exception, remedial training will begin as soon as a firearms instructor can be scheduled following a duty handgun qualification failure. Once the officer has demonstrated satisfactory progress in remedial training, the officer will then attempt to re-qualify. No more than two re-qualification attempts will be administered within 24 hours. If, after remedial training, two re-qualification failures occur, no further testing will be done until more remedial training is completed.

Temporary assignment to the Training Unit and remedial training will not exceed three (3) duty days. During this assignment, the officer will not participate in any on or off-duty law enforcement function and will only carry a weapon during the actual training sessions.

If, after three (3) duty days, officers continue to be unsuccessful in their attempts to qualify, the Chief of Police shall review the remedial training and performance appraisals with the Rangemaster and training staff.

Following his/her review, the Chief of Police shall either:

- Order an additional remedial training period of up to, but not more than three (3) duty days; or
- Recommend termination as a sworn officer to the City Manager for reasons of inability to maintain vital job performance standards.

Officers who receive and fail additional remedial training and subsequent re-qualification attempts, will, at the end of the calendar year, be subject to revocation of their State law enforcement certification pursuant to applicable N.C. Administrative Code.

Make-Up Qualification Dates

Officers who fail to fire on their scheduled qualification times must notify the training staff and Rangemaster to coordinate a make-up date. It shall be the officer's responsibility to successfully meet department qualification requirements within each calendar year.

FIREARMS REVIEW

The Rangemaster shall conduct a periodic review of all approved firearms on an as needed basis when existing facts indicate the need to do so. The Chief of Police and Training Commander will make suggested changes to the firearms lists based on this review and/or Department needs.

PREVENTIVE MAINTENANCE OF FIREARMS

Prior to being approved for official use, all weapons, regardless of brand or model, shall initially be inspected by a department Armorer or Rangemaster. This includes weapons issued by the department or personally owned.

Thereafter, every five years, all department issued weapons will undergo a preventive maintenance (PMA) inspection. The department Rangemaster will coordinate the pickup of weapons to be serviced, issuance of substitute weapons, re-issuance of serviced weapons, as well as all associated record keeping.

All preventive maintenance will be conducted by a certified department armorer following prescribed guidelines of the manufacturer and recorded on departmentally approved forms. Modifications to any weapon will be made by the designated department Armorer. Officers requesting modification including grip or trigger modification will submit a written request detailing the type of modification to the Training Division Commander. If approved, the Officer will schedule an appointment with the department Armorer to turn over their weapon and purchased parts for installation.

On-duty weapons found to be unsafe will either be repaired or replaced immediately by the Rangemaster.

Periodic inspection, repair, and/or parts replacement costs for off-duty weapons, if other than the issued service weapon, will be at the owner's expense. However, ammunition required for test firing of off-duty weapons will be supplied by the department.

RANGE PROCEDURES

The range will be operated under a schedule developed and supervised by the department Rangemaster. This schedule will indicate times that the range will be open for general practice and remedial training. A certified firearms instructor shall always be present when the range is being operated under the previously mentioned conditions.

Members of the Department's Selective Enforcement Team and Pistol Team shall be exempt from having a firearms instructor on site during job related training.

Recreational shooting without a firearms instructor present is prohibited.

During range operations, all officers regardless of rank shall be under the control of the Rangemaster or his/her designee. Intentional violations of range procedures or safety guidelines will result in immediate dismissal from the facility. The officer's supervisor will be notified in writing of any action taken, no exceptions.

Range Use

Use of the Durham Police Department Range is limited to:

- Durham Police Department personnel and their immediate families;
- Honorably retired Durham Police Department officers;

- Staff Instructors with related police firearms certifications (N.C. Justice Academy, Smith & Wesson Academy etc.);
- Private security agencies whose officers must be firearms certified under N.C.G.S. § 74C and with prior approval of the Rangemaster;
- Durham Police Department Armorer to test any firearm that requires repair or maintenance;
- Sworn law enforcement officers from municipal, county, state, or federal agencies or campus, or company police agencies, or honorably retired members of these agencies, who are present for firearms training;
- Citizens who are participating in some type of familiarization or firearms training previously approved by the Rangemaster and/or Training Commander.

A signed Liability Release Form shall be completed and filed with the department Rangemaster, prior to any live fire, by all users of the department range. The forms must be signed by non-sworn individuals every time they use the range and signed annually by all sworn officers. The Rangemaster will maintain the signed forms for a period of three years.

SAFE STORAGE & USE OF ALL WEAPONS

All department weapons, when not being carried by the officer, will be safely stored in order to reasonably protect against theft or misuse of the weapon. When an on-duty officer must remove a weapon from their control, i.e. gym, bathroom, they must take reasonable steps to ensure the weapon is secure and away from any danger of theft or misuse.

Larry C. Smith
Interim Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **3002 R-12**

DEPARTMENT DRESS CODE

Effective Date: 12/15/1995	Revision Dates: R-1 04/15/2001; R-2 09/01/2002; R-3 01/06/2003; R-4 12/05/2003; R-5 01/10/2005; R-6 06/12/2008; R-7 01/29/2009; R-8 02/09/2010; R-9 11/11/2013; R-10 12/17/2013; R-11 08/19/2015; **R-12 03/20/2017**

INTRODUCTION

Uniformity and standards of attire increase the recognition of agency personnel convey the professionalism of department members, and assists in mitigating safety concerns for officers.

PERSONAL APPEARANCE FOR ALL MEMBERS

All members of the Department shall abide by dress codes set forth within City policy HRM 701 – Proper Dress. All members of the Department will dress appropriately in uniform, business, or business casual attire as required by their job function. Supervisors have the authority to enforce a dress code according to the requirements of the job function in their specific area of responsibility in accordance with department directives and have the authority to determine inappropriate dress.

Clothing and accessories will be clean, neat, and in keeping with the professional image of the Department. Hair dye of color not naturally occurring in human hair is prohibited for all employees; hair must be styled appropriately for a business setting.

Officers on special assignment, where their dress and hairstyle must be conducive to the nature of their assignment and clientele are exempt from this policy for the duration of the assignment.

All members who attend court or other governmental functions must wear professional business attire, or the Class B uniform. Employees attending training classes will wear either their Class D uniform or business casual attire however jeans are prohibited unless approved for the training.

TATTOOS, BRANDING, BODY ART, AND BODY PIERCING/MODIFICATIONS

Except as provided below, all on-duty employees, and those working secondary employment, are prohibited from displaying any:

- Tattoos, body art or branding which is profane; depicts violence or harm; is sexually explicit or which portrays nudity; indicates an affiliation with a criminal street gang or any hate group, organization or association; would reasonably be considered prejudicial to a particular race, sex, gender, sexual orientation, religion, or national origin; covers approximately more than 1/3 of the exposed skin on the arms, hands/fingers, or neck; or appears on the face, ears or scalp;

- Body piercing or modification to the chin, tongue, lip, nose, eyebrow, or a deliberate stretching or expansion ("gauging") of a pierced ear lobe; or

- Dental ornamentation

The following are exceptions to the prohibitions listed above: medical modifications for health or reconstructive purposes; permanent conventional cosmetic makeup; and employees working in an undercover capacity whose supervisor has authorized an exemption.

Employees with tattoos, body art, or branding that is prohibited by this policy shall cover the area with a Department-approved uniform or by wearing a skin patch or sleeve that covers the tattoos, body art, or branding. A skin patch or sleeve is any patch or sleeve that is of an unadorned neutral/skin tone color.

If an employee disagrees with the initial management evaluation of a tattoo, body art, branding, piercing or body modification, the employee may follow the procedures listed in G.O. 2011 Dispute Procedures.

GUIDELINES FOR UNIFORM AND EQUIPMENT

Members shall not wear/use any uniform or equipment that does not conform to Departmental policy. Uniforms approved for a specific unit or position shall be worn only by current members. All equipment shall be worn, carried and/or used only as issued and authorized by the Department, and no changes, alterations, modifications or substitutions shall be made to said equipment unless approved by the Chief of Police. Additionally, any approved non-issued equipment or apparel must be clean and in good repair.

The Durham Police Department does not provide a clothing allowance for non-sworn personnel with the exception of those units whose job duties require special clothing outside of everyday dress.

When specifying the type of uniform to be worn, the following uniform classification will be used:

Class A

The Class A uniform is the dress uniform for select meetings and ceremonial events. Long sleeve uniform shirt and tie will be worn as well as the Department issued uniform hat. Captains and above will wear white uniform shirts. Lieutenants and above will wear a long jacket, if one has been issued.

Class B

The Class B uniform consists of the "uniform of the day" and refers to the standard patrol uniform. Officers providing on-camera interviews will be expected to wear the Class B uniform unless the Chief of Police directs otherwise. Any officer attending formal events, or public meetings will wear the class B uniform.

Class C

The Class C uniform consists of non-traditional style uniform issued to officers whose assignment requires a specific uniform, such as Canine, Bicycle Patrol and Selective Enforcement Team officers.

Class D

The Class D uniform consists of a "soft uniform" style. If the function of the unit does not require a member to wear the patrol uniform, the Division Commander may designate a Class D for the unit. The Class D uniform consists of khaki or tactical style pants and a polo or button down shirt in an approved color with an approved

department design (as stated in the Approved Apparel attachment). It will be consistent for all members of the unit and is subject to approval by the Bureau Commander.

The Chief of Police may identify which uniform classification will be worn or modify the Class B uniform via memoranda if needed.

ISSUED EQUIPMENT FOR POLICE OFFICERS

Each sworn officer will be issued a specific number of standard Department uniform items which is regulated by the Supply Unit. Some uniform items are not considered standard issue but may be purchased by an officer and worn in accordance with approved standards. Such optional uniform articles may be purchased by individual units or divisions and distributed to members directly instead of utilizing the Supply Unit at the discretion of the Division Commander. Reissues will be made if any item has suffered excessive wear or irreparable damage due to normal everyday use.

PATROL UNIFORM

When an officer works in the capacity of a patrol officer, including secondary employment, the Class B with all issued equipment shall be worn based on the following guidelines (to include Uniform Diagrams attachment):

Headgear

The issued uniform hat must be available to the officer at all times while on duty, but wearing the hat is optional for routine patrol operations. Officers must wear the uniform hat during inspections and when directed by memorandum. The hat visor should be approximately ½ inch above the eyes and worn such that the band establishes a straight line parallel to the ground.

Officers may individually purchase and wear an approved (see Approved Apparel attachment) non-issued skull-cap based on appropriate climate conditions.

Shirt

Officers are permitted to select either the short-sleeved or long-sleeved uniform shirt based on appropriate climate conditions and their personal comfort.

Officers may be ordered to wear a long sleeve shirt in accordance with the above Tattoos, Branding, Body Art and Body Piercings/Modifications section.

When wearing the short-sleeve uniform shirt, an individually purchased undershirt may be worn. It must be white, navy blue or black with no logos or writing visible.

Assistant Chiefs and above will wear white uniform shirts only. Captains may, at their discretion or the direction of the Chief of Police, wear a white uniform shirt.

Tie

The department issued tie shall be worn with the Class A and long-sleeve Class B uniform shirt. The tie clasp or pin issued by the Department will be worn whenever the tie is worn. The clasp or pin will be worn midway on the tie, even with the shirt pocket buttons.

Officers above the rank of Sergeant are required to wear the uniform tie with their long-sleeve Class B uniform. Officers, up to the rank of Sergeant, may individually purchase an optional long-sleeved mock turtleneck or

"dickey" to wear only with the class B long-sleeve shirt. Either of these two items may be worn instead of the uniform tie and should be worn with the top button of the uniform shirt undone. The tie must be worn with the long-sleeve Class B uniform shirt on off duty jobs, with the exceptions of city patrol function off duty jobs such as supplemental patrol and housing. Both optional items must conform to standards in the Approved Apparel attachment.

Shirt Accessories

The issued badge will be attached to the shirt on the left side of the chest through the badge eyelets or through the shirt seam.

In addition to the issued badge, various accessories may be worn on the right side of the chest (see Uniform Diagrams). The nameplate must be worn. When worn without ribbons or a "Serving Since" pin it will be centered just above the top seam of the right pocket. If worn with ribbons and/or a "Serving Since" pin it will be worn just below the top seam of the right pocket.

Pins and Achievement Awards

Officers may display awards, pins or achievement ribbons with authorization. There are three different groupings of pins. Unless otherwise noted in this general order, members who meet the requirements for each medal must complete the Medals/Ribbon Verification & Approval Form and submit it to Employee Services with a copy of the appropriate documentation. Once approved, Employee Services will return the approved form to the officer and include a copy in the member's personnel file. Officers will not wear any ribbon or medal requiring authorization until after the form has been completed by Employee Services. The verification form depicts an image of each award and/or ribbon that may be purchased and worn. Officers will be required to provide the completed form upon supervisory request.

Specialized units or functions may elect to organize a mass purchase and distribution of the listed pins for applicable members. If the ribbons are distributed upon graduation or course completion, individual authorization forms are still required.

Members may display either the United States Flag pin or the accreditation pin without prior approval.

Group 1

A Group 1 pin signifies an affiliation with a professional law enforcement organization. Examples include the Police Benevolent Association pin, Fraternal Order of Police pin, Crisis Intervention Team pin, and the accreditation pin. Only one pin from this group may be displayed on the uniform shirt.

Group 2

A Group 2 ribbon depicts a current assignment or membership in a unit. Group 2 ribbons will only be worn by current members assigned to the unit and only one ribbon may be worn on the shirt at any given time. Group 2 ribbons include Canine Unit, Motorcycle Unit, Selective Enforcement Team, and BCERT.

Group 3

Group 3 ribbons recognize officers for awards or achievements earned. Any ribbon that requires a current status or certification for eligibility must be removed from the uniform if the member is no longer eligible. The order of precedence is depicted in Uniform Diagrams. Authorized department ribbons include:

MEDAL/RIBBON	ELIGIBLE OFFICERS	SUPPORTING DOCUMENTATION REQUIRED
Medal of Valor Distinguished Service Medal Purple Heart Officer of the Year Community Service	Officers who have received any of these awards from the Department in accordance with GO 2018 Awards & Commendations.	The memo or other written documentation presented when the award was given.
Canine Unit Motorcycle Unit Patch Selective Enforcement Team BECERT	Current members of the specified unit.	No documentation is necessary. Employee Services will verify current membership with the unit supervisor.
Advanced Certification Intermediate Certificate	Officers who have the Advanced or Intermediate Law Enforcement Certificate from the North Carolina Criminal Justice Education & Training Commission (NCCJETC).	A copy of the officer's advanced or intermediate certificate.
FBI National Academy	Officer who graduated from the FBI National Academy.	Written documentation of successful completion of the Academy.
FBI-LEEDA Trilogy	Officers who have completed all three of the FBI-LEEDA executive leadership classes.	A copy of the awarded certificates for all three classes.
Veteran	Officer who served in the military on active duty and received an honorable discharge.	A copy of the officer's DD-214.
Education Achievement	Officers with a four-year undergraduate degree or other advanced degree from an accredited college or university.	A copy of the officer's degree or transcripts.
Police Training Officer	Officers who completed the Police Training Officer course and are actively involved in the training program.	No documentation required, Employee Services will verify both the completion of the class and active participation in the program with the PTO Coordinator.
Marksmanship	Officers who score a 100% on a daytime qualification course.	Memo from the Range-master certifying qualification.
Sharpshooter	Officers currently participating in the Patrol Sharpshooter Program.	Memo from the Range-master certifying successful completion of the patrol rifle program.
Bicycle Patrol	Members who have successfully completed a bicycle patrol course offered by a community college, the NCCJETC, or the International Police Mountain Bike Association.	Certificate of course completion.
Motor Cycle Unit	Members who have successfully completed all Department mandated Police Motorcycle training courses.	Certificate of course completion.
Instructor	Members who hold a current General or Specialized Instructor certification from the NCCJETC.	A copy of a current General or Specialized Instructor certification.
Firearms Instructor	Members who hold a current Firearms Instructor certification from NCCJETC.	A copy of a current Firearms Instructor certificate.
Honor Guard	Member of the Honor Guard.	No documentation required. Employee Services will verify eligibility with the Honor Guard Team Leader
Police Shield	Officers who possess current speed detection certification through the NCCJETC or who possess a current Chemical Analyst certification through the North Carolina Department of Health and Human Services.	A copy of a current Chemical Analysis, Radar or Time-Distance certificate.
Drug Recognition	Officer certified in Drug Recognition.	A copy of a current Drug Recognition Officer certificate.

Trousers

Trousers will be hemmed so that the bottom of the front of the trouser leg rests on the top of the shoe without a break in the front crease. The rear of the trouser leg is to hang straight without a crease to a point one inch above the heel welt.

Footwear

Footwear worn by officers while in uniform must be natural, patent or synthetic leather, black in color, without a stamped design or ornamentation and with black laces, and must be shined to a visible luster. Heel height will not exceed one inch. Socks worn with the patrol uniform will be black or dark blue and without design.

Officers are required to purchase their own uniform shoes based on the above guidelines.

Winter Sweater

Officers may individually purchase an optional police sweater to wear only with the long-sleeve shirt and tie. The sweater must conform to the standards in the *Approved Apparel* attachment. Officers will wear the police badge and name bar on the sweater.

Winter Jacket

Wearing the department issued patrol jacket is optional. The nameplate and badge will be affixed to the jacket when the jacket is worn as the outer garment. The nameplate will be attached on the right side of the jacket, horizontally with the bottom of the badge. A Durham Police Department patch and chevrons, if applicable, will be attached to both sleeves of the jacket. Service (years) insignia will be affixed to the winter jacket with the lower edge of the service insignia three inches from the end of and centered on the outside half of the left sleeve.

Officers are permitted to purchase and attach a body-worn camera holder in accordance with specification provided by the Information Technology Division. This attachment allows for more secure attachment of the camera.

Lightweight Nylon Jacket

The approved department issued lightweight jacket is worn at the officer's discretion. Shirt accessories are not authorized for wear on the nylon jacket.

Long Jacket

Officers with the rank of Lieutenant and above and members of the Honor Guard are issued long jackets to be worn for ceremonial events and public appearances at the discretion of the Chief.

Inclement Weather Gear

Overshoes and ice-grips are authorized for optional wear with shoes. Overshoes must be black in color and of commercial design and be made of rubber or a synthetic material.

The wearing of an issued waterproof hat cover of an authorized color is encouraged when conditions dictate.

Only the Department-issued raincoat is authorized for wear.

Sam Brown Belt and Other Leather Equipment

The following items in their entirety are required of line officers below the rank of Lieutenant:

Only the Sam Brown belt issued by the Department is authorized. The Sam Brown belt may be worn through the trouser belt loops or over the trouser belt at the officer's discretion. Black belt keepers, of the same type of material as the issued leather gear, one-half to one inch in width encompassing the Sam Brown belt, are optional when worn over the trouser belt. The trailing end of the Sam Brown belt should be short enough as not to interfere with other belt items.

Wearing of the following equipment is MANDATORY:

* The approved holster and weapon shall be positioned on the officer's strong-hand side along the trouser seam.
* The issued handcuffs and case shall be worn in the area above the rear pocket on either side.
* The two (2) issued semi-automatic magazines and case are to be worn opposite the handgun.
* The issued expandable baton will be worn on the opposite side of the duty weapon.
* The issued electronic impulse device will be worn cross draw style on the non-dominant side.
* Only the issued Sam Brown belt buckle is authorized. It is to be center-aligned.

***PLACEMENT OF THE FOLLOWING EQUIPMENT IS DISCRETIONARY*:**

* The radio & holder is required for all Patrol Bureau line personnel and is optional for other personnel.
* The issued aerosol canister and carrier is to be worn by all Patrol Bureau line personnel unless he/she carries an electronic impulse device. In this case, the officer may opt out of carrying the aerosol canister. The aerosol canister and carrier is optional for all others outside of Patrol.
* A small flashlight, black in color, is permissible. The holder must be of the same type of material as the issued leather gear.
* A flashlight ring or holder is permissible. The leather portion of the ring or holder must be of the same type of material as the issued leather gear.
* A latex glove carrier is permissible, but must be of the same type of material as the issued leather gear.
* A second set of handcuffs with a case may optionally be worn. These items are not issued by the Department.
* A Leatherman or similar multi-purpose tool.

An administrative version of the duty uniform is authorized for all officers working in an administrative capacity, regardless of rank. The standards previously outlined in this policy apply, except administrative officers have the option to remove the Maglight ring, whistle and chain, handcuffs and case, aerosol weapon and carrier, and expandable baton.

At the discretion of the Chief or his/her designee, mandatory/discretionary leather equipment may be modified for ceremonial events for the purpose of uniformity.

RANK DESIGNATION

Senior Patrol Officer - a gold chevron consisting of one stripe and one rocker.

Corporal - a gold chevron consisting of two stripes

Sergeant - a gold chevron consisting of three-stripe and one rocker

Lieutenant – a silver bar

Captain – two silver bars

Assistant Chief – 1 gold star

Deputy Chief – 2 gold stars

Chief – 3 gold stars

Rank insignia will be worn on the shirt collar as outlined in the Uniform Diagrams attachment.

Chevron patches will be worn on the long-sleeve shirt and winter jacket only. The chevron is to be centered on both sleeves, three-quarters of an inch below and centered on the shoulder patch.

In addition to the rank designation on the collar, the winter jacket will have affixed the rank insignia on the shoulder loop, one-inch from and parallel with the end seam of the shoulder loop.

YEARS OF SERVICE DESIGNATION

The total number of years of service as a sworn officer with the Durham Police Department and with any other law enforcement agency shall be added together to determine the number of years of service that the member is eligible to display.

Years of service will be designated by service stripes (also known as “hash-marks”) for line officers through the rank of Sergeant. Each “hash-mark” will represent three completed years of service as a law enforcement officer, minus any breaks in service.

Service stripes are only to be worn on the left sleeve of the long-sleeve shirt and winter jacket. The stripe will be affixed at an angle so that a vertical line will be created between the center of the stripe and the center of the shoulder epaulet. The lower edge of the stripe is to be one-inch above the cuff seam on the shirt or two and one-half inches above the bottom of the sleeve of the winter jacket.

Service stars will designate years of service for Lieutenant and above. Each star will represent five years of completed service as a law enforcement officer, minus any breaks in service.

Service stars are issued in strips of one, two, three or four stars and are to be worn on the winter jacket only. The strips are to be affixed horizontally, the single point of the star pointing up.

Stars are to be worn in the following sequence:

* 5-20 years - one strip
* 25 years - one strip of two stars centered above one strip of three.
* 30 years - one strip of three stars above another strip of three stars.

The maximum number of stars to be worn is six.

PERSONAL APPEARANCE FOR UNIFORMED PERSONNEL

Uniformed personnel grooming standards and hairstyles must meet the following conditions in addition to those previously mentioned:

All uniformed personnel:

The hairstyle must be conventional in cut, such that when the uniform hat is worn, hair does not protrude outward beyond the base of the hat giving the appearance that the hat is too small or fits improperly;

Fingernails must not interfere with the firing of the sidearm or the performance of duty.

Males

Hair shall not extend over the shirt collar or over the ears when combed vertically from top to bottom;

Sideburns shall not extend below the middle of the ear lobes;

The face will be clean-shaven, a neatly trimmed mustache is the exception, but shall not extend below the corners of the mouth, below the plane of the lower lip nor over any portions of the upper lip and will not extend onto the cheek area.

Females

Hair may not fall below the bottom of the shirt collar.

Jewelry

The following items only are authorized:

- One wrist watch;
- Two finger rings of choice;
- Medical identification bracelet/necklace.

In addition to the above, uniformed female officers are authorized to wear one pair of post type earrings, circular in design. Jewelry for piercings will be worn only in the ear lobe. Male officers working in an undercover capacity and at the discretion of their commanders may wear one pair of earrings.

GUIDELINES FOR SWORN PLAINCLOTHES APPAREL

Investigators shall dress in business attire between 0700 and 1700 hours, Monday – Friday. Supervisors may temporarily approve Class D or business casual attire during short periods based on weather conditions (e.g. extreme heat or specific tasks). Supervisors of officers working in administrative positions may authorize the wearing of plain clothes apparel.

Male Business Attire consists of:

- Button up business shirt and tie.
- Pants to include suit pants, Dockers, chinos or khakis. Blue jeans or colored denim are prohibited. Studded belts and ornate belt buckles are prohibited.
- Sweater, sport coat or suit jacket is optional.

- Athletic shoes and tactical style boots are prohibited. Shoes will be neat and not show excessive wear.

Female Business Attire consists of:

- Blouse, knit, button up business shirt or sweater.
- Pants to include suit pants, Dockers, chinos or khakis. Blue jeans or colored denim are prohibited. Pant legs shall be no higher than the top of the ankle. Skirt or dress lengths will be no shorter than one inch above the knee. Studded belts and ornate belt buckles are prohibited.
- Sweater or jacket is optional.
- Athletic shoes and tactical style boots are prohibited. Dress shoes with open toes and/or heals greater than two inches will not be worn. Shoes will be neat and not show excessive wear.

Investigators may dress in business casual attire between the hours of 1700 – 0700 hours Monday – Friday, and 1700 hours Friday to 0700 Monday. Investigators who are on-call may respond in business casual attire during these time frames.

Male Business Casual Attire consists of:

- Button up shirt without a tie, sweater or a polo shirt.
- Pants to include suit pants, Dockers, chinos or khakis. Blue jeans or colored denim are prohibited.
- Athletic and hiking style footwear is prohibited.

Female Business Casual Attire consists of:

- Button up shirt, polo shirt, blouse or sweater.
- Pants to include suit pants, Dockers, chinos or khakis. Pant legs shall be no higher than the top of the ankle. Blue jeans or colored denim are prohibited.
- Athletic and hiking style footwear is prohibited.

Casual attire to include jeans, tactical pants, t-shirt, sweatshirts, athletic shoes or boots may be worn by investigators:

- Working in an undercover assignment or conducting surveillance operations upon approval of the Division Commander; and
- Conducting a search warrant or evidence search/review were clothing may be damaged.

SOFT BODY ARMOR (BULLET PROOF VEST):

When the Vest is to be Worn

All officers conducting operational activities who wear a uniform that identifies them as a sworn officer must wear their vest at all times while on duty. The vest shall be worn under the uniform shirt. Officers wearing a uniform who are working administrative assignments are required to have their vest readily available in the event they need respond to an operational assignment.

Officers working a secondary employment job must wear their vest for the duration of the job. If the secondary employment job requires the officer to be in plainclothes, then wearing the vest is optional.

All sworn officers assisting with the execution of a search warrant must wear a vest. Officers who work in a plain clothes capacity and are assisting in the execution of a search warrant may wear the vest on the outside of their clothing. All other officers must wear the vest under the uniform shirt.

When an officer is participating in a ceremonial event, wearing the vest is optional.

Maintenance and Care of Vests

All vests will be maintained and worn according to the manufacturer's maintenance and care instructions. Officers are required to report to the scheduled vest fitting date closest to their current vest's warranty expiration and wear the replacement vest upon receipt. Within 30 days of issuance of a new vest, the officer's old vest must be turned into the DPD Supply unit (front and back panels as well as issued trauma plate must accompany vest carrier).

Officers will be financially responsible for vest fitting problems not reported within 30 days of issuance and for those that are due to non-medically induced weight variations.

If any signs of wear appear on the vest, it should be taken to the Police Services Technician for inspection and possible replacement. In cases where the Kevlar insert appears worn or defective, the inner casing should be taken to the Police Service Technician for inspection and possible replacement. Officers should not attempt to repair damaged vests themselves.

Personal Vest Purchases

The department provides an agency-specified vest in a choice of threat levels to all sworn personnel. Any Department member may instead purchase and wear a personally-owned vest. This vest must be maintained to the same standards as a Department-issued vest. This vest must also meet the following requirements:

- Be a Threat Level 2 or 3A type vest, as defined by the National Institute of Justice (NIJ).
- Be on the list of approved body armor maintained by the National Institute of Justice (NIJ) under their most recent standard.
- Have both front and rear ballistic panels.
- Have a full-wrap design for side protection.
- Have a dark blue, black or white carrier.
- Have a soft trauma plate.

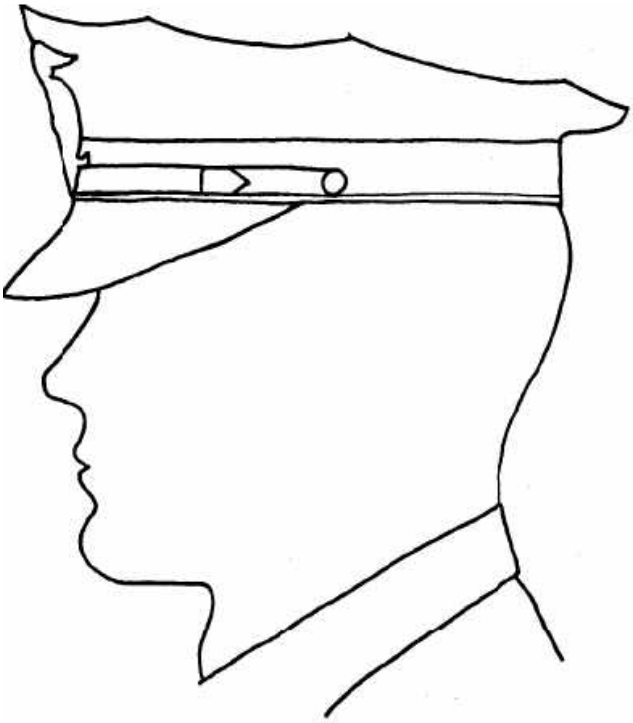
Members who desire to wear a personally owned vest shall send notification in memo form to the Body Armor Program Coordinator. This memo shall include the member's name, employee number, and the make, model, and type of vest requested. The Body Armor Program Coordinator shall verify that the vest meets current department specifications before approving the vest purchase. Personally owned vests shall not be used for longer than the manufacturer's specified vest life period. This vest must be maintained to the same standards as a Department-issued vest.

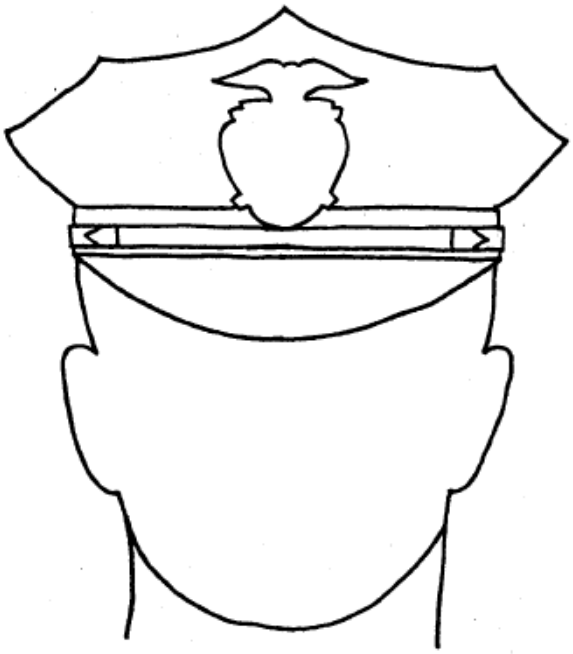
Cerelyn J. Davis
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **3002 A-1**
Attachment - Uniform Diagrams		
Effective Date: 12/15/1995	Revision Dates: **R-1 08/19/2015**	

The Uniform Hat

The uniform hat shall fit snugly and comfortably around the largest part of the head. The bottom of the visor should be approximately ½ inch above the eye level of the wearer and worn straight on the head so that the braid band establishes a straight line around the head parallel to the ground.





Collar Insignia

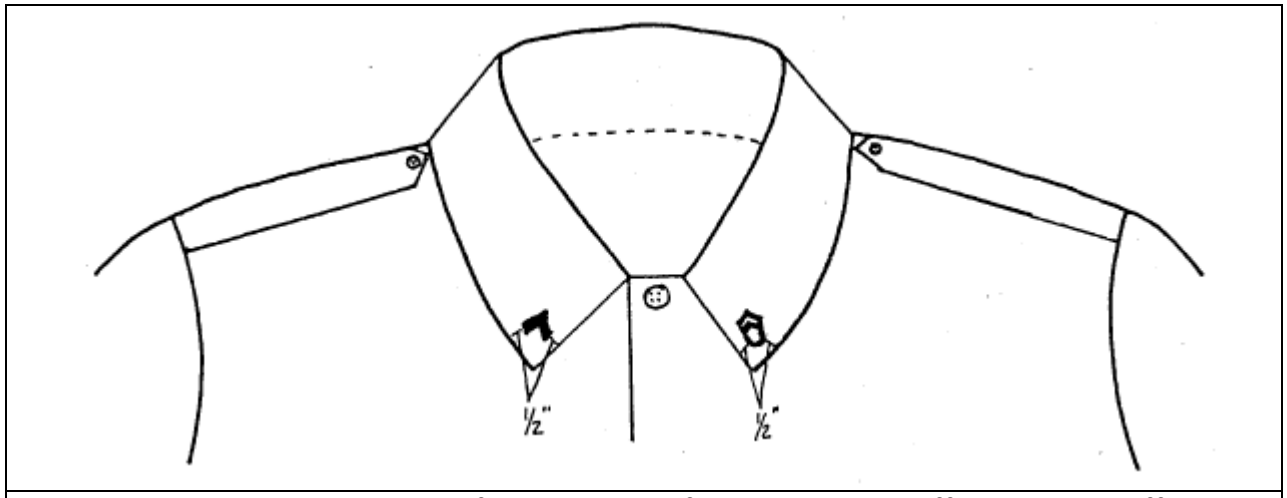


Diagram 1 – Proper placement of collar insignia for Master Patrol Officers/Master Officers, Corporals & Sergeants.

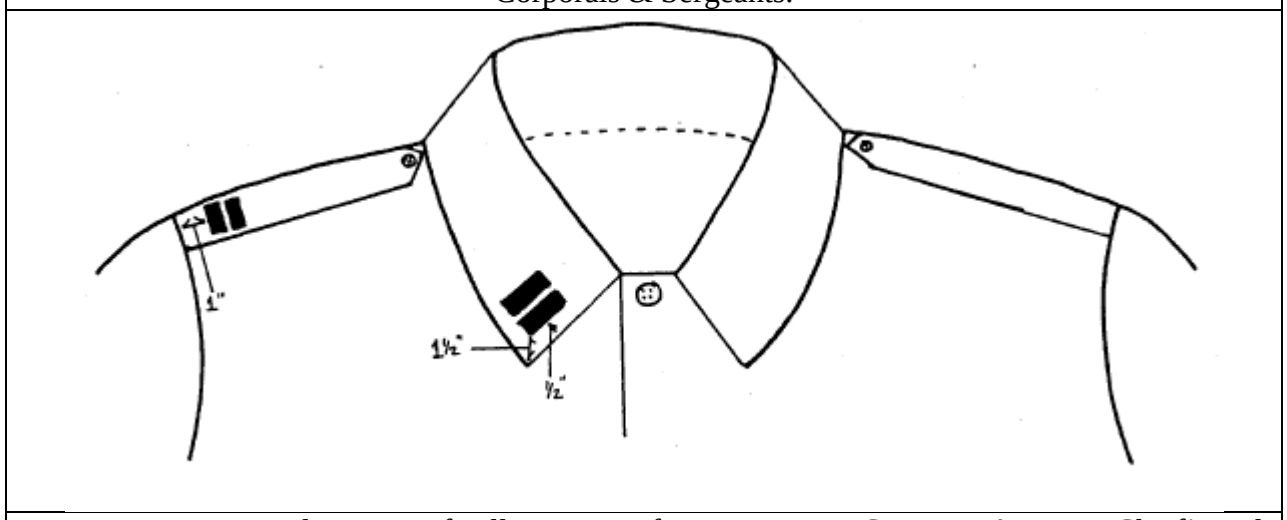
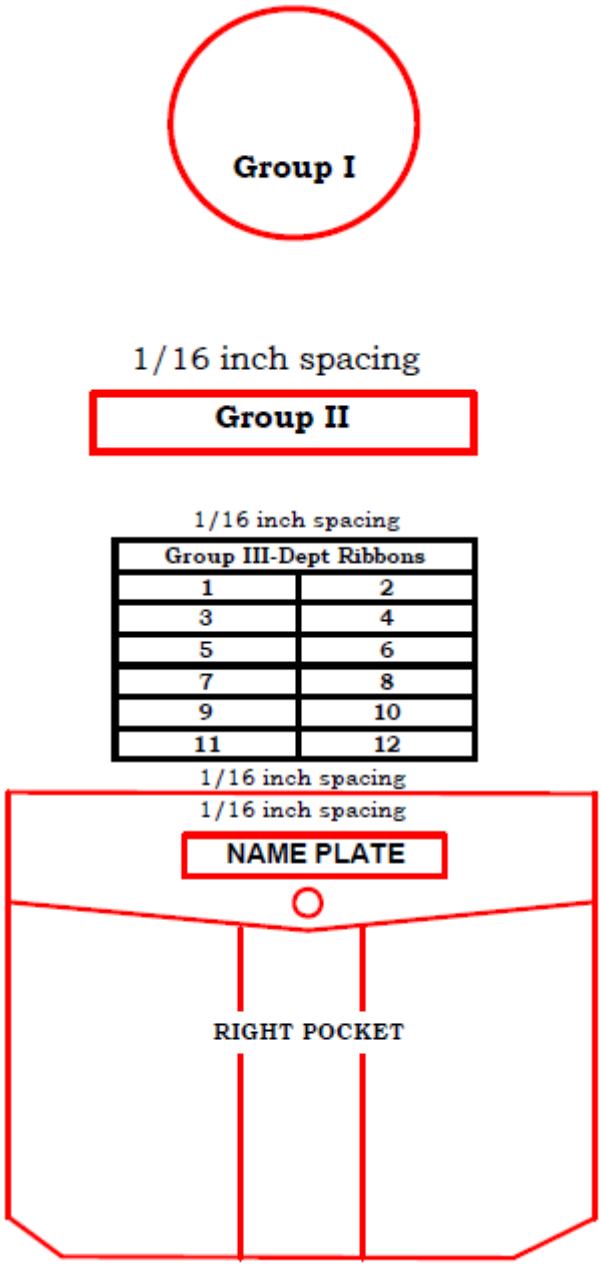


Diagram 2 – Proper placement of collar insignia for Lieutenants, Captains, Assistant Chief's and Deputy Chiefs.

Shirt Accessories – Spacing on the Right Side

Group 1 (one only)
Police Benevolent Association Pin
Fraternal Order of Police Pin
North State Law Enforcement Pin
Governor's 20 Pin
Crisis Intervention Team
Accreditation Pin



Group 2 (one only)
Current Unit Assignment Pin

Group 3
Department Ribbons

Name Plate
**Note, this diagram depicts the placement of the name plate if ribbons and/or the "Serving Since" pin are also displayed on the shirt. If no other medals, ribbons or pins are worn, the name plate will be placed centered, just above the top seem of the right pocket.*

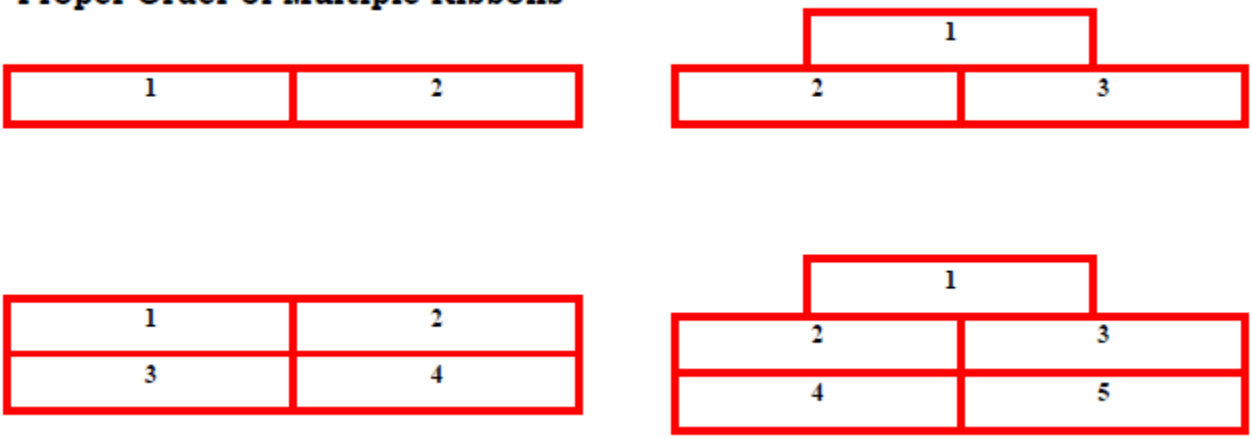
Order of Precedence of Department Ribbons

1. United States Flag
2. Medal of Valor
3. Certificate of Merit/Distinguished Service
4. Purple Heart
5. Officer of the Year
6. Community Service
7. Veteran
8. Educational Achievement
9. FBI National Academy
10. Advanced Certification
11. Intermediate Certification
12. Police Shield
13. Drug Recognition
14. Honor Guard
15. Bike Patrol
16. Firearms Instructor
17. Instructor
18. Police Training Officer
19. Marksmanship
20. Sharpshooter

A single ribbon will be worn centered over the name plate.

Multiple ribbons are to be worn in the proper order of precedence. The ribbons are arranged from right to left (of the wearer) and from top to bottom. If there are an uneven number of ribbons, the wearer is to use a two-bar holder placing one ribbon above the centered on the bottom two.

Proper Order of Multiple Ribbons



	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **3003 R-4**

EQUIPMENT INVENTORY & CONTROL

Effective Date: 12/15/1995	Revision Dates: R-1 05/16/1997; R-2 06/11/2003; R-3 02/01/2006; **R-4 01/04/2016**

INTRODUCTION

It is the policy of the Durham Police Department to account for City of Durham-owned property and equipment. The annual inventories and a system of accountability from each user will assure effective departmental property management.

MAJOR FIXED ASSETS

All property, equipment and assets of the City of Durham with an original purchase price of $5,000 or more and donated items with a fair market value of $5,000 or more are considered "major fixed assets". Proper control of these items is outlined in city policy FP-202. They are marked with a permanent City of Durham asset tag, which bears a unique number that corresponds to a master inventory maintained by the City Finance Department. The tags are supplied to the Police Department by the Finance Department and must be affixed by the unit or office responsible for the item. The Police Department's fixed asset inventory is forwarded by the Finance Department annually for verification. It is the responsibility of the Fiscal Services Division to see that a physical inventory for these items is conducted. Any changes or deletions must be duly recorded in accordance with City policy.

MINOR FIXED ASSETS

All property, equipment and assets of the Durham Police Department with an original purchase price greater than $100.00 and less than $4999 are considered "minor fixed assets" and are required to be carried on an inventory maintained by the individual divisions, units or offices that have responsibility for the items. With exceptions noted below, all minor fixed asset items must bear a Durham Police Department asset tag that carries a unique control number.

The following specific categories of personally-assigned items are not required to display a numbered departmental asset tag, but must be recorded by serial number, phone number or some other specific descriptor:

- Weapons
* Portable Radios (Inventories of 800 MHz two-way radios are the responsibility of Communications Maintenance).
* Rechargeable flashlights
* Pagers

* Cellular telephones
* Land-line telephones

Expendable goods such as bullets/shells, paper stock/forms, repair parts, clothing, batteries, etc. are completely exempt from the sticker and inventory system.

Units may acquire minor asset tags from the Supply Unit. These tags are affixed to qualifying items. . In the situation of a lost/destroyed minor fixed asset tag, the Supply Unit will provide a replacement tag. The change in control number will be recorded in the appropriate inventory.

INVENTORY CONTROL

All equipment that is issued to an individual member, where the equipment is for the use of that member and the member is responsible for maintaining the equipment, will be documented to include the:

- Type of equipment;
- Serial/Identification Number (if any);
- Member Name;
- Date of Issuance; and
- Date of Return.

The condition of equipment issued to members and returned will be evaluated for functionality prior to being reissued to another member.

Department components and specialized units may store and maintain equipment that qualifies as minor fixed assets. All organizational units should maintain an inventory of assets within their area of responsibility using the "Minor Fixed Asset Inventory" form. All units are responsible for maintaining stored equipment in a state of operational readiness. Equipment issued to members for temporary use will be documented. Non-operational equipment will be evaluated to determine the best course of actions (e.g. repair, replacement, discard, etc.)

Annually, the Fiscal Services Manager will initiate a physical count of all department assets to verify against the master inventory list maintained in the Fiscal Services Division. The inventory should clearly reflect any newly acquired or deleted items from the previous year's inventory. In the case of a deleted item, the departmental location to which it was transferred or the fact that the item was sold, donated, destroyed, lost etc. will be noted. Any unexplained discrepancies or missing items should be referred to the division or unit head for action. A copy of the inventory, completed by the Fiscal Services Division, will be sent to the division offices. The asset tag numbers, both major and minor, will be the item's permanent department control and tracking numbers for their respective inventories.

There are three exceptions to the above procedure:

- The Emergency Information Services Unit will be solely responsible for maintaining the departmental inventory on all computers and peripheral equipment, including monitors, printers and office phones. They will conduct the physical inventory and maintain a current record of inventory items..

- The Police Fleet Manager will maintain a perpetual inventory on all Departmental vehicles. Annually, the Fleet Manager will reconcile the fixed asset inventory and the perpetual inventory and send an electronic copy to the Fiscal Services Division.

- The Supply Unit will maintain the inventory of all stockroom items, including uniform items and duty equipment, as well as personally-issued items for which personnel are financially responsible. When members terminate employment, the Supply Unit will account for all items based on the log of issued equipment.

- The Training Division will maintain a perpetual inventory of all firearms and conducted electrical weapons including maintenance and issuance/return records.

ITEM CATEGORIES FOR THE MINOR ASSET INVENTORY (ORIGINAL VALUE EXCEEDS $100)

- Office Furniture - chairs, file cabinets, carts, desks, tables, safes, lockers, computer workstations, etc.
- Electronic Office Equipment - cameras, typewriters, televisions, videocassette recorders, projectors, etc.
- Specialized Electronic Equipment - Alco-Sensors, night-vision scopes, Kel-System, radars, testing equipment, etc.
- Household Items - microwaves, refrigerators, ovens, coffee pots and other appliances, etc.
- Radio Items - chargers, radio scanners, two-way radios etc. that are not assigned to individuals and not inventoried by the Radio Shop.
- Weapons – all weapons not issued to individuals
- Rechargeable flashlights that are not assigned to individuals.
- Telephone instruments – land-line sets only
- Miscellaneous

DISCREPANCIES

The Fiscal Services Division may follow up on any discrepancy noted or discovered in the inventories by contacting the head of the division/unit that was last listed as bearing responsibility for the item in question in order to verify the item's current location.

PERSONAL ACCOUNTABILITY (LOSS OF OR DAMAGE TO EQUIPMENT)

In the event that city-owned property is found bearing evidence of damage, or property is determined to be missing, it shall be prima facie evidence that the last person assigned the property or equipment is responsible.

Employees discovering damage to or loss of equipment will notify their supervisor immediately. Should damaged, lost, or destroyed equipment be the result of carelessness, in whole or in part, or intentional abuse, the responsible person(s) will be required to pay the costs of repairs or replacement of the item or equipment. Should the loss be the result of accident or theft, written documentation of the incident shall be provided through the chain-of-command to the appropriate commander by the person responsible for the item.

For purposes of financial responsibility, the determination of carelessness shall be made by the Fiscal Services Division Manager and the affected employee's division or district commander. In situations where the Fiscal Services Division Manager and the affected employee's division or district commander cannot reach an agreement on whether or not the loss to the city was due to carelessness on the part of the affected employee, the final determination shall be made by the Administrative Services Bureau Commander.

REIMBURSEMENT

In the event an item controlled by a member is lost or damaged through carelessness or intentional abuse, the member may be required to pay up to the current replacement cost.

Larry C. Smith
Interim Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **3004 R-5**

DEPARTMENT VEHICLES

Effective Date: 06/06/2011	Revision Dates: *Previously G.O. 1013*; R-1 09/28/2011; R-2 12/21/2012; R-3 11/11/2013; R-4 12/17/2013; **R-5 10/01/2016**

INTRODUCTION

The Durham Police Department's (DPD) fleet is purchased by the City Fleet Management Department in accordance with budget constraints and justification of Departmental need. DPD is fiscally responsible for managing its fleet by maintaining and assigning vehicles only after careful consideration of Department necessity. Each vehicle procured and assigned will be evaluated for administrative value as well as operational contribution to the protection and well-being of the community.

FLEET MANAGEMENT

DPD will assign a Police Fleet Coordinator to the Operations Bureau Executive Officer. This position will coordinate the general maintenance, repair, and assignment of the City-owned vehicles assigned to the Police Department. The Police Fleet Coordinator is the primary liaison with the Fleet Maintenance Division of the Fleet Management Department and the Communications Maintenance Division of the Durham Emergency Communications Department. The Police Fleet Coordinator will provide specifications for new and replacement Police Department vehicles when the Fleet Management Department conducts bids.

Vehicle replacement for the Police Department is the responsibility of the City Fleet Management Department. Their replacement criterion is based on an evaluation of each vehicle's mileage, age and maintenance history.

Employees shall adhere to all State laws, and City and Department policies regarding the operation, use and care of City vehicles. All drivers of City vehicles will ensure that they are knowledgeable of and understand these laws and policies.

VEHICLE ASSIGNMENT

The Police Fleet Coordinator will assign vehicles based on recommendations of the Executive Command Staff. Final authority for assignment of vehicles rests with the Executive Command Staff. Priority of vehicle assignment will be given to field operations and remaining assignments are based upon the responsibilities and duties of the employee, such as:

- Nature of duties - equipment required to be carried, etc.;
- Frequency of use - during and after duty hours;
- Call-back status - likelihood, urgency;

- Rank responsibility - management of 24-hour police operations when transportation is needed to monitor subordinate field activities, to respond to police calls or to frequently perform administrative functions at other locations.

Vehicle assignment will fall under the following categories:

- Pool Vehicles – vehicles shared by members of an assigned District/Division or Unit, including Beat patrol vehicles.
- Individually Assigned Vehicles – vehicles assigned to individual members for on-duty use.
    - Take Home – Specified individually assigned vehicles are authorized for Take Home status in accordance with City of Durham policy FLT-100.

Vehicle assignments given to a non-sworn member must have prior approval from the Chief of Police.

In accordance with City of Durham policy FLT-100, the Operations Bureau Executive Officer will coordinate a documented annual review of vehicle assignments. If it is determined that an assignment no longer necessary based upon the above criteria, they will notify the appropriate Assistant Chief of the review's findings.

ACCOUNTABILITY OF VEHICLES

Each District/Division Commander or Manager will assign a fleet liaison who will be responsible for maintaining an accurate inventory of vehicles assigned either individually or as pool vehicles within their areas of responsibility. The Operations Bureau Executive Officer will be the fleet liaison for the Office of the Chief and Executive Command staff. Each fleet liaison will supply the Police Fleet Coordinator on request a report of the following:

- The five digit fleet number, make, model, color, and license number of all division vehicles;
- The unit to which it is assigned;
- The name of the approved driver, or in the case of a pool vehicle, the function it serves;
- All police equipment items, such as light bars and mobile cameras, installed on the vehicle; and
- Whether the take home vehicle operator's home address is within or outside of Durham County and, if out of county, the address at which the vehicle is parked.

AUTHORIZED USE

Use of an individually assigned vehicle is a privilege that may be suspended or revoked for operational need or administrative purposes, as determined by an individual's chain-of-command. Members may not loan their assigned vehicle to other personnel for any purpose without first obtaining advance approval from their Division/District Commander or Manager. The individual the vehicle is originally assigned to will maintain responsibility for the condition and contents of that vehicle for the duration of the assignment, even if it is loaned to another member.

Employees are authorized to drive the vehicle to and from duty within Durham County <u>or</u>, with written authorization from their Assistant Chief, outside Durham County but not outside a 25 mile radius from headquarters under any circumstances without prior approval of the Chief of Police other than when on call. For purposes of complying with these geographical restrictions, if the vehicle is to be parked at a location other than a residence, the Assistant Chief must approve where the vehicle will be left. Those employees scheduled for an on-call/stand-by rotation do not need to file an authorization form for that shift. All authorization forms will be filed with the Police Fleet Coordinator.

A Department member may be working outside of the City of Durham for an extended period while attending a multiple day training class, conference, approved event or activity. These situations shall authorize exceptions to the restrictions that are normally applied to City vehicle operation. Recreational trips to meals, events or entertainment during such out-of-town travel and personal errands such as trips to laundry services and shopping are authorized as long as they are not specifically prohibited in City Policy S-1102. In these situations, Department members may allow members from other agencies that are involved in the same class or other activity as the Department member to ride in, but not operate, the City vehicle.

Take Home vehicles may be driven at times other than regularly scheduled duty hours only under the following circumstances:

- Between residence and police/duty station.
- Between residence and court in which the member is scheduled, subpoenaed, or otherwise ordered to appear in connection with his/her employment with the City.
- Between residence and a designated maintenance facility or vehicle wash facility.
- Between residence and the location at which a police officer is scheduled for secondary employment, when such a service has been authorized per General Order 2017 – Secondary Employment and unit SOPs. Exceptions may be made due to budgetary constraints.
- Between residence and an approved location by a Division Commander for a specific work-related purpose, to include training.

Members who are on transitional or administrative duty may not take home an assigned departmental vehicle, however while working in such capacity they may operate an unmarked vehicle.

Members on leave for greater than twenty-nine (29) calendar days are required to leave their take home/individually assigned departmental vehicle at an appropriate DPD facility and leave the keys to that vehicle with a supervisor until they return to work.

In accordance with City of Durham policy FLT-100, all members with a take home vehicle are required to document each callback utilizing the City's Vehicle Usage Log. These completed logs will be submitted to the Operations Bureau Executive Officer, through the member's chain of command quarterly.

USE OF CITY VEHICLES OUTSIDE OF NORTH CAROLINA

City vehicles may operate out of state under the following conditions:

- To attend approved training classes, professional seminars, or conferences that are unavailable within North Carolina;
- To further the investigation of a crime that necessitates travel out of North Carolina; To extradite a prisoner that has been apprehended outside of North Carolina;
- To deliver a prisoner to a jurisdiction outside of North Carolina; During a pursuit that is approved and within policies promulgated by General Order 4019 – Vehicle Pursuits; or
- Other circumstances as approved by the Chief of Police.

Before taking a vehicle out of North Carolina, it is required that the permission of the officer's District/Division Commander or Manager be obtained. In pursuit situations, the Watch Commander will grant or deny permission to travel out of state.

The City of Durham is a certified self-insurer only within the state of North Carolina. This certification might not be recognized in other states, and City vehicles may therefore be considered "uninsured" when taken out-of-state. In order to alleviate confusion should a City vehicle be involved in an out-of-state accident, operators must carry, when circumstances permit, a copy of the State Self-insurance Certification and a form letter from Risk Management explaining the procedure for making claims against the City of Durham.

- The Police Fleet Coordinator will advise the assigned member and the fleet liaison when the replacement of equipment will take a vehicle out of service for more than forty-eight (48) hours.
- The vehicle must have all preventive maintenance performed as scheduled.
- The employee to whom a vehicle is individually assigned shall be responsible for maintaining the general cleanliness of the vehicle at his or her own expense. Employees found in violation of this policy will be billed for the costs associated with the unauthorized washing of vehicles and may be disciplined.
- Pool and loaner vehicles may be cleaned at the Department's expense only at assigned car wash facilities and with specific services as determined by the Police Fleet Coordinator.

EQUIPMENT INSTALLATION AND MODIFICATION

The Police Fleet Coordinator must approve all equipment installations or modifications. Such work will be ordered by completing an approved build sheet that is delivered to the Communications or Fleet Maintenance Manager. In order to minimize expense and enable flexibility in vehicle assignments, cars will generally adhere to standard outfitting plans determined by the function of the unit to which it is assigned.

Employees are prohibited from modifying, disabling, altering, or tampering with any equipment on a City vehicle.

TOBACCO USE IN CITY VEHICLES

The use of tobacco products or electronic cigarettes of any kind is prohibited in <u>all</u> City vehicles including those which are rented or leased for the purpose of conducting City business. This includes vehicles assigned by outside agencies for the use of Task Force officers.

VEHICLE MAINTENANCE

Preventive maintenance is required by the Police Department to prolong the life of fleet vehicles and to minimize operating costs for repairs. The City Fleet Maintenance Division will provide a monthly calendar to exhibiting the due dates for vehicles to receive preventive maintenance. The Police Fleet Coordinator will ensure that fleet liaisons are given updated copies of the calendar as needed.

City Fleet Maintenance will also provide the Police Fleet Coordinator with a list of vehicles that have not complied with the established schedule. The Police Fleet Coordinator will notify in writing the assigned operators of such vehicles, the appropriate fleet liaison, and the operator's supervisors of the non-compliance.

The assigned employee is responsible for notifying Fleet Maintenance as soon as possible of any mechanical repairs needed and for transporting their vehicle to Fleet or any other location as directed by Fleet Maintenance to have repair work / preventative maintenance performed.

VEHICLE REPAIRS

Routine as well as minor vehicle repairs shall be performed by the City Fleet Maintenance Division. Vehicles needing repair will be taken to Fleet Maintenance as soon as operationally possible after the need is detected by the operator of the vehicle. When taking vehicles to City Fleet Maintenance for repair, the operator will notify their assigned fleet liaison.

If the vehicle is inoperable due to a minor repair issue (i.e. flat tire, dead battery), the operating employee or appropriate fleet liaison will contact Fleet Maintenance during business hours (0630 to 1500 hours) for repair. If the vehicle becomes inoperable after business hours and requires immediate repair or moved to a secure location, the operator will contact DECC who will contact the City contract wrecker. Any officer having a vehicle towed back to Fleet must notify the Police Fleet Coordinator of the circumstances surrounding the tow.

When City vehicles are driven out-of-town for business purposes and the vehicle becomes inoperable the operator is responsible for ensuring that City Fleet Maintenance is immediately contacted for instructions. If the vehicle requires towing, the operator is responsible for contacting a local tow truck operator, obtaining an estimate for the tow to a manufacture-approved dealership, and providing that information to Fleet Maintenance. Fleet Maintenance will provide the employee with a City credit card number to pay for the tow after receiving authorization from the City's Finance Department. The employee shall provide a copy of the tow bill to Fleet Maintenance immediately upon his/her return to work.

Before performing any work, the dealership must fax a copy of the cost estimate to City Fleet Maintenance. Fleet Maintenance will review the estimate and call the City's Finance Department to get authorization to pay the bill using one of the city's credit cards.

VEHICLE REPAIR SCHEDULING AND DROP-OFF

In order to process maintenance issues at City Fleet Maintenance in an expedient manner, the following procedures should be followed:

<u>During regular business hours Monday-Friday 0700-1600:</u>

- Vehicles identified as needing mechanical repair or maintenance during regular business hours will be delivered to the Fleet Maintenance facility. The operator will contact the Service Writer to fill out a work request and to request a loaner vehicle if necessary and available. Once repairs have been completed, the Service Writer will notify the operator that the vehicle is ready for pickup.
- Vehicles identified as having an electrical issue during regular business hours, will be delivered to the Radio Shop and the operator will make contact with a service technician there to explain the work request. The operator may obtain a loaner vehicle from the Fleet Service Writer if necessary and available. Once the repair has been made, the service technician at the Radio Shop will notify the operator that the vehicle is ready for pickup.

<u>After business hours:</u>

The operator is responsible for reasonably determining whether the vehicle can be safely operated until the next business day. If it cannot, the vehicle will be delivered to the Fleet Maintenance facility and parked outside the gate entrance. All vehicles left for repair must be locked and the operator must retain the keys. If the service problem involves any damage that leaves the car's interior or equipment vulnerable to rain damage, then the operator must take the appropriate steps to protect the interior and equipment. The operator must then send an e-mail to the Police Fleet Coordinator and Fleet Service Writer (for mechanical issue) or Radio Shop Manager (for electronic equipment issue) describing the following:

- Vehicle fleet number;
- Operator's name and employee number;
- Cell phone number of the operator, and Unit or District phone number with a point of contact;
- Time and date dropped off at Fleet; and,
- The repair issue with the vehicle and an explanation of any symptoms.

The operator must contact the Service Writer to ascertain the availability of a loaner vehicle. If a loaner vehicle is temporarily assigned to an operator, the operator must turn it in prior to being allowed to take their repaired vehicle, and employees must return loaned vehicles to Fleet as soon as their need for the vehicle has expired.

Cerelyn J. Davis
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **3005 R-3**

DEPARTMENT VEHICLE COLLISIONS

Effective Date: 06/06/2011	Revision Dates: *Previously G.O. 1030*; R-1 09/28/2011; R-2 11/30/2011; **R-3 8/26/2015**

INTRODUCTION

All collisions involving City of Durham vehicles shall be investigated, reported to the proper city departments, and reviewed by a Traffic Collision Review Board, regardless of the jurisdiction in which the collision occurs.

COLLISION NOTIFICATION

Operators of City vehicles involved in any vehicular collision within the jurisdiction of the department shall immediately notify DECC and their immediate supervisor of the collision unless the employee is physically unable to do so or notification has otherwise already occurred. The supervisor will in turn immediately notify the Watch Commander. If physically able to do so, the operator of the City vehicle will request medical assistance if anyone is injured unless such assistance has already been requested. The vehicles will remain in post-collision position, if conditions permit.

POST COLLISION RESPONSIBILITIES

Collisions resulting in injury or extensive property damage occurring in the Department's jurisdiction shall be investigated by a specially trained collision investigator, as indicated in G.O. 4013 Traffic Collision Investigation. If any question exists, the decision to call such an investigator shall rest with the Watch Commander. Other accidents in the department's jurisdiction should be investigated by a supervisor from another District, however if one is not available it may be investigated by a supervisor from the same unit/district as the operator.

Reports required for any collision involving a City vehicle or on-duty member include:

- A standard North Carolina DMV collision report form. (This report shall be completed by the investigating officer);
- An incident report or other internal reports as necessary (this report shall be completed by the investigating officer);
- If appropriate, a North Carolina Uniform Citation or arrest report, and other related paperwork. (These items shall be completed by the investigating officer);
- City of Durham Notice of Claim for Damages computer-based form. (If a claim for damages has been requested by any party involved, forward the information to the Office of the Chief);

- City of Durham Vehicle/Equipment Post Accident Report form,. (This form is completed by the Employee, or Employee's Supervisor)

The investigating officer shall notify the City Risk Management Office of the collision at his or her earliest possible opportunity upon leaving the collision scene. Notification can be made via telephone, voicemail or email. The Investigating Officer shall distribute copies of their collision report and all associated paperwork to the following individuals/components:

- Risk Management Office
- Watch Commander
- Assistant Chief of the member involved in the collision
- Professional Standards Division Commander
- City Fleet Manager
- Police Fleet Coordinator
- Traffic Services Supervisor

The Watch Commander or on-duty supervisor will, upon notification of a police vehicle collision, respond to the collision scene or ensure that another supervisor responds. The Watch Commander will obtain a copy of the Vehicle/Equipment Post Accident Report form and send this to the City Risk Management Claims Administrator and Human Resources Manager via email within 24 hours of the incident. The Watch Commander or on duty supervisor will ensure that Risk Management, the Professional Standards Unit and the appropriate Assistant Chief are notified and that all additional necessary forms are submitted as required.

The Watch Commander/Supervisor will determine if the vehicle can be safely driven back to Fleet. If the vehicle can be driven, the Watch Commander/Supervisor will direct an officer to take it to Fleet and, if necessary, retrieve a spare from his/her district or a Fleet Loaner if available. If the vehicle cannot be driven safely, the Watch Commander will contact dispatch for the City contract wrecker service. The vehicle involved must be taken to City Fleet Services between 7am and 3pm within 24 hours of the collision regardless of the level of damage to have photos taken and to obtain an estimate of needed repairs to place the vehicle back in pre-collision state. If the vehicle cannot be taken to City Fleet Services within 24 hours of the collision for any reason, the Police Fleet Coordinator and the employee's supervisor must be notified of the delay in writing. This estimate will be forwarded to the personnel indicated above.

The on-scene supervisor must ensure that the substance abuse protocol outlined in the City Policy HRM-714 Substance Abuse Testing will be followed in all collision incidents. Employees will be required to submit to substance abuse testing in the following circumstances.

- When there is a City vehicle collision involving personal injury or property damage, and the employee is operating the vehicle is determined to be at fault of a moving violation.
- When there is a City vehicle collision involving personal injury or property damage, and the employee is operating the vehicle and the supervisor at the scene has cause to suspect that drugs or alcohol may have contributed to the cause of the accident.

EQUIPMENT IN WRECKED VEHICLES

Department members will take immediate steps to have the equipment in their assigned vehicles which have sustained body damage removed, in an effort to avoid damage as a result of exposure to the weather or loss/theft. The on-duty supervisor will alert the Police Fleet Coordinator of the situation. The Police Fleet

Coordinator will then request the removal of the equipment by completing a build sheet and delivering it to the Communications or Fleet Maintenance Manager.

In the event that the Police Fleet Coordinator is unavailable, the supervisor will notify Fleet Maintenance to protect any exposed equipment with plastic sheeting.

STATEMENT AND RELEASE OF INFORMATION

Any member of the Department involved in serious departmental vehicle collisions either as drivers or witnesses shall refrain from giving statements or information to anyone other than the law enforcement investigating officer or City of Durham supervisors and officials without first obtaining permission from the Public Affairs Manager.

COLLISIONS OCCURRING OUTSIDE JURISDICTION

Operators of City vehicles involved in any vehicular collision that is outside the jurisdiction of the department shall immediately notify the local law enforcement agency unless physically unable to do so or notification has already otherwise occurred. At the earliest opportunity the vehicle operator will notify his/her immediate supervisor. If physically able to do so, the operator of the City vehicle shall request medical assistance if anyone is injured unless such assistance has already been requested. The vehicles will remain in post-collision position, if conditions permit. The operator shall request that a DMV collision report be completed by the investigating officer, regardless of apparent injuries or damage.

TRAFFIC COLLISION REVIEW BOARD

A Traffic Collision Review Board will be convened to review reports and hear testimony regarding police vehicle collisions, determine whether the employee violated City or Department policies, and file reports regarding the same with the Chief of Police.

The Traffic Collision Review Board will not take action against any Department member due to any off-duty vehicle collision involving the employee's privately owned vehicle that is properly reported to the Department. However, a member's entire record of vehicle collisions is available to the Board, to include both on and off-duty collisions. A member's entire vehicle collision record may be used in determining any administrative action to be taken due to a vehicle collision that is on-duty or involves a City vehicle.

BOARD MEMBERS

The Traffic Collision Review Board shall consist of four (4) members:

- Chairperson - Professional Standards Representative
- Police Fleet Representative
- A certified Driving Instructor (provided by the Training Division)
- Either the Traffic Services Unit Supervisor, a TACT member or a trained collision reconstructionist (non-voting member)

The chairperson will select members to the Board and maintain a list of properly qualified primary and alternate members of the same. In the absence of one of the primary members, an alternate member shall sit on the Board in his or her place.

NO-VIOLATION COLLISIONS

Collisions in which it appears reasonably certain that the employee did not violate City or Department policies will be reviewed by the Traffic Collision Review Board chairperson. In such cases the employee will receive written notification from the chairperson of no violation.

CONVENING THE BOARD

Every 30 days, the chairperson will review all collision reports received during the preceding thirty-day period. Following this review, and as soon as it is logistically possible, the chairperson shall convene a Board.

The Chief of Police may direct the board to convene outside of the regularly scheduled monthly review. Additional reviews may be directed for a single collision or if the number of pending collision reviews is such that more frequent reviews are deemed appropriate.

The chairperson shall notify the employee(s) involved in the collision, witnesses to the collision that are members of the department, and the traffic collision investigating officer whether their appearance before the Traffic Collision Review Board is optional or mandatory. In order for the Traffic Collision Review Board to convene, the chairperson plus one board member must be present. Pre-discipline conferences as required will be conducted as soon as practical following the Traffic Collision Review Board.

BOARD PROCEDURES

Upon completion of each collision review, decisions will be made by majority vote of the Board members. The Board will make a recommendation for disciplinary actions against members found to have violated City or Department policies to ensure equal and fair treatment department-wide. The chairperson shall record decisions and any comments or dissenting opinions to be included in the Traffic Collision Review Board's report.

After the Traffic Collision Board meeting, the chairperson will forward copies of the Board's findings within seven working days to:

- The Professional Standards Division Traffic Collision Review Board File;
- The employee's Division Head;
- The employee's Assistant Chief.

In cases where the Board has determined that a member of the Department violated City or Department policies, the Board will recommend appropriate discipline.

The member's Captain/Commander will indicate concurrence or non-concurrence and make a recommendation as to disciplinary action through the appropriate chain of command to the Chief of Police.

OUTCOME NOTIFICATION

Official notice of the outcome of the Traffic Collision Review Board findings and command review will be provided to the employee in writing by the Professional Standards Division Commander. A copy of the notification will be sent to Employee Services to be filed in the employee's personnel file if a disciplinary action is given at a level of written reprimand or more severe action.

RECORDS

The chairperson of the Traffic Collision Review Board will maintain a complete file on all vehicle collisions, including all collisions involving a department member that have occurred while off-duty. Recorded collisions will be maintained per Professional Standards SOPs. The collision files will be accessible by supervisory officers in the appropriate chain of command.

REMEDIAL DRIVER TRAINING

Officers are automatically required to attend remedial driver training, in addition to the Board findings, after they have been involved in two or more collisions in a three-year period where it was determined that the employee violated City or Department policies. When an officer meets the criteria for attending the Remedial Driver Training Course, the board chairperson will notify the Training Division Commander who will be responsible for scheduling the course. A copy of the course completion record will be sent to Employee Services for inclusion in their personnel file.

This course will be taught by a specialized driver-training instructor certified by the North Carolina Criminal Justice Education and Training Standards Commission.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **3006**

UTILITY TERRAIN VEHICLES

Effective Date: **07/23/2013**	Revision Dates:

INTRODUCTION

The purpose of this directive is to establish guidelines, responsibilities and conditions for the operation and care of the Durham Police Department's Polaris 500 4X4 Utility Terrain Vehicle and the Kawasaki Mule utility terrain vehicle (UTV). These special-purpose vehicles shall be utilized in accordance with this policy for official use in serving the citizens of Durham in emergency and non-emergency situations in designated geographical areas or pursuant to specific patrol details as designated by the rank of Captain or above.

VEHICLE SIGN OUT PROCEDURE

In order to use the Polaris 500 4X4 **U**tility Terrain Vehicle or the Kawasaki Mule**,** the operating officer will sign-out the keys to the vehicle from the Headquarters Desk Officer. The Desk Officer will maintain the UTV Operator's Log and witness the officer's retrieval and return of keys on the log sheet.

A vehicle inspection must be conducted by the operating officer before operating the any of the UTV's **and submit the Inspection Form to the HQ Desk Officer upon return of the vehicle keys.** While in control of the UTV's, the assigned officer is responsible for the vehicle and any damages resulting from its use. Any damage to the vehicle, or damage to other property caused by the use of the vehicle, will be immediately reported to the Watch Commander. Damage to the UTV's shall be documented on the **Utility Terrain Vehicle** Inspection Log. A traffic accident report will also be completed if damage is sustained during a traffic accident. The Watch Commander will notify Administrative Services Bureau Executive Officer.

MONTHLY VEHICLE INSPECTION

The Administrative Services Bureau Executive Officer or designee will inspect the UTV's once a month for damage and to confirm it is operating properly. Monthly inspections, including any damage or other vehicle problems observed, will be noted on the Utility Terrain Vehicle Inspection Log. Any damage or other problems observed during inspection will be reported to the Administrative Services Bureau Executive Officer.

VEHICLE SAFETY

The operator of, as well as any passenger riding in, the UTV's shall wear a safety belt at all times that the vehicle is in operation.

At no time will any officer ride on, or in a manner so that any part of his or her body extends onto, the outside of the UTV's.

VEHICLE OPERATION GUIDELINES & LIMITATIONS

NEVER OPERATE:

- At speeds too fast for your skills or existing conditions.
- After or while using Alcohol or Drugs.
- On hills steeper than 15 degrees.
- With more than one passenger.
- With a passenger under age twelve
- With persons inside the cargo box.
- On hills with excessively slippery or loose surfaces.
- Over the crest of a hill at high speeds.
- Through deep or fast flowing water (do not submerge vehicle).
- On a street with a posted speed limit exceeding 35 MPH, unless traveling on a 45 MPH for the purpose of traveling from a speed zone to an adjacent speed zone where the speed limit is 35 MPH or less.
- Beyond maximum weight capacity with includes weight of operator, passenger, cargo and accessories. 1000 LBS. (455 kg) – cargo weight should never exceed 600 LBS.

ALWAYS:

- Wear your seat belt and ensure that any passenger allowed to ride in the vehicle is wearing his/her seat belt.
- Check that the throttle pedal returns normally before starting the engine.
- Apply brake when starting vehicle.
- Keep hands and feet in vehicle at all times.
- Reduce speed and use extra caution when carrying passengers.
- Avoid sharp turns while applying heavy throttle.
- Operate slowly in reverse - avoid sudden braking.
- Make sure passenger reads and understands all safety labels.
- Watch for branches or other hazards that could enter vehicle.
- Use the cab nets.
- Avoid transmission damage, shift only when vehicle is stationary and at idle.

OPERATION

Polaris 500 4x4:

With the shifter placed in ’High’ position, pushing down on the accelerator pedal will move the Polaris 500 4X4 Utility Terrain Vehicle in a forward direction with a speed range of 0-44 MPH (70.4 KPH). With the shifter placed in ‘Low’ position, pushing down on the accelerator pedal will move the vehicle in a forward direction with a speed range of 0-25 MPH. The Polaris Ranger 500 4x4 should be operated in low gear while driving on public trails, parks, greenways and high gear when operating on public streets/roads.

With the key switch on and 'Reverse' selected, pushing down on the accelerator pedal will move the Polaris 500 4X4 **Utility Terrain Vehicle** in reverse. The top speed in the reverse direction should be limited for safety. The Polaris 500 4X4 **Utility Terrain Vehicle** is equipped with a reverse warning device that sounds when the key is on and the vehicle direction switch is in the reverse position.

Reduce speed and allow greater distance for braking when carrying cargo. Overloading or carrying tall, off-center, or unsecured loads will increase your risk of losing control. Loads should be centered and carried as low as possible in box. For stability on rough or hilly terrain, reduce speed and cargo. Be careful if load extends over the side of the box.

Each operating officer will ensure that when the vehicle is not in operation or unattended, place shifter in the park position.

Kawasaki Mule:

The Kawasaki Mule is designed and equipped to be a multiuse utility vehicle for off-highway use only. Before starting the engine ensure that the parking brake is applied, the gear shift level is in the Neutral (N) position and the throttle pedal is operating properly.

This vehicle is equipped with three levers: the gear shift, the 2WD-4WD shift, and differential shift lever. The Mule will be operated in "High" position in 2WD on paved services. The differential shift level should always remain in the "Unlocked" position. When operating the Mule to climb steep hills or pulling heavy loads, the UTV should be operated in the "Low" position. Maximum downhill speed in "High" should never exceed 25 mph and in "Low" should never exceed 12 mph.

Each operating officer will ensure that when the vehicle is not in operation or unattended, place shifter in the park position.

UTV Operational Provisions:

Officers operating the UTV's shall carry an official police identification card and badge.

Only those with a valid driver's license and who have reviewed the UTV owner's operational manual will be permitted to operate the special-purpose vehicles.

ADDITIONAL VEHICLE EQUIPMENT

The UTV's will be equipped with the following:

- Red/Blue light (top front & rear)
- Siren
- P.A. System
- Headlights/Brake lights
- Tail light
- Backing indicator

VEHICLE LOCATIONS

Two Polaris UTVs will be housed at the Parking Garage at 305 West Pettigrew Street, Durham, NC.

One Polaris and the Kawasaki Mule will be housed at District 1 – 921 Holloway Street, Durham NC.

Each UTV will be returned to their proper location upon completion of use/operation. Any change of venue for the storage for the UTV's must be approved by the Administrative Services Bureau Executive Officer.

Jose L. Lopez, Sr.
Chief of Police

SERIES 4000 - OPERATIONS

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4001 R-1**

RESPONSE PRIORITIES

Effective Date: 12/15/1995	Revision Dates: **R-1 01/10/2005**

INFORMATION

The Durham Police Department will handle calls for police service based on a priority system rather than by the order the calls are received. The priority system is based on comparative threat to human life and property, probability of apprehension, the nature of the offense involved, and the nature of the police service required.

This priority system will be maintained by the Durham Emergency Communications Center, based on input from the Operations Bureau Commander. In addition to priority, the system also makes a recommendation of the number and type of field units to send to each call based on the nature of the call.

COMPUTER-AIDED DISPATCH ENTRIES

When a call for service is received, the receiving telecommunicator will enter the call in the Computer-Aided Dispatch (CAD) system. The system will automatically assign the appropriate response priority and make a recommendation of the number and type of field units to dispatch. Communications may alter the recommended response based upon additional information received from a complainant, a field unit, or supervisor.

If another unit is closer to the call for service than the dispatched unit, the closer unit will notify Communications of its location. Communications may reassign the call to the closer unit and cancel the unit originally dispatched. Communications will record the time the call is dispatched through the entry into the CAD system.

Officers will inform Communications of their arrival time to the call, the disposition of the call, and the time at which they return to service. Communications will record the arrival time, the clearance time, and the disposition for all calls in the prescribed CAD method.

RESPONSE PRIORITY DESIGNATIONS

Response priority designations reflect the urgency of the call for service. The priority designation will be governed more by the circumstances and danger level presented by an incident rather than simply the nature of the call.

As calls are received and entered into the CAD system, their priority will be indicated by a designated color. Priority one calls are indicated by the color RED, priority two calls are indicated by the color YELLOW, while priority three calls are indicated by the color GREEN. These response priorities are described below, from most urgent to least urgent.

A responding officer shall not be distracted by an incident of lower priority when enroute to an assigned call.

Priority 1 - Red

Calls for service in this category are a life-threatening or property-threatening situation in progress or an officer needing emergency assistance.

Communications will use any resource of sworn personnel which will initiate our fastest response. Lights and siren may be used. A patrol unit could be diverted from a previously dispatched call of a lower priority or non-patrol units may be dispatched.

Priority Two - Yellow

Calls for service in this category are life-threatening or property-threatening situations that have just occurred. Calls in this category may include, but are not limited to, traffic accidents with no personal injury, belated break-ins, barking dog (possible prowler), belated disturbances, etc.

At the discretion of the responding officer, lights and siren may be used. See General Order 4051, Emergency Vehicle Equipment and Operation.

Priority Three - Green

Calls for service in this category are minor in nature and may include, but are not limited to, belated property-damage, belated petty larceny, traffic control sign damage, report of malfunctioning signal light, abandoned vehicle causing no hazard, parking violations, noise complaints, police advice, animal control complaint, etc.

Where appropriate, these calls will be routed to the Telephone Response Unit or Desk Officer as a first option, if of a police nature. If TRU or the Desk Officer is not available, then the call will be dispatched to the appropriate patrol unit. If the call is of a police nature for a specialized unit within the Department, the caller should be given the telephone number to that unit and the hours that unit is available. If the call is not of a police nature, or is concerning a police matter outside our jurisdiction, the caller will be directed to the appropriate agency.

No lights or siren are to be used for priority three calls. If the responding officer(s) interrupts their response for another activity, they must notify Communications when that alternative activity starts and ends. Communications will preferably dispatch the patrol unit responsible for the beat in which the incident occurred. If that unit is not available, the call can be held for a maximum of thirty (30) minutes waiting for the primary patrol unit to clear. At the end of the holding period, Communications will assign the call to the nearest available unit (any district). Communications will inform complainants that it may be up to one (1) hour before an officer arrives.

RESPONSIBILITIES ASSOCIATED WITH PRIORITY ONE CALLS

Officer Responsibilities

When responding to Priority 1 calls, with or without lights and siren, officers must drive with due regard for the safety of citizens and fellow officers. Limit radio usage to essential or emergency traffic to ensure safety of units involved in the Priority 1 call.

Supervisory Personnel Responsibilities

Ensure that a proper unit response is made. Decide whether to recommend that Communications modify some aspect of the response, when such modification is warranted.

Ensure that Communications has been properly notified as soon as the situation has been adequately controlled and no additional units are required.

Communications Responsibilities

In most situations, Communications will be responsible for dispatching and maintaining the status of all units requested by on-scene personnel.

When the Priority 1 call is of an extended nature and/or any specialized unit must be called to the scene, Communications will advise all units involved in the call to switch to an alternate radio channel until the situation has been resolved.

Communications will request that units not involved with the extended Priority 1 call to refrain from using the designated reserved radio channel.

Communications will record out-of-service and return-to-service times on all units involved with the Priority 1 call.

EMERGENCY USE OF RADIO COMMUNICATIONS

Any time an officer requires emergency, uninterrupted access to a radio channel, such as a life-threatening situation, he or she should state their assigned unit number followed by the code “10-33”. Communications will acknowledge the officer and secure the radio channel for the officer’s exclusive use. This code should be used with the realization that all activity on the police channel will be halted until the situation is cleared.

OFFICER NEEDING ASSISTANCE

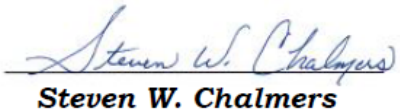
When an officer requests emergency assistance or a telecommunicator determines that an emergency situation exists, the procedures described below will be followed:

- The radio signal indicating emergency conditions (Signal 20) will immediately be in effect, whether verbalized or not. If verbalized, the announcement will be made on all police channels.
- Units not dispatched to the “assist an officer” call will not use the Primary Police radio channel until the assist call has been cleared by on-scene personnel and Communications has officially cleared the radio channel.
- The officer initiating the assist call is usually the best judge of what resources are required to control the situation. This officer will advise Communications of the number of units that need to respond to the call for assistance and which response priority is appropriate. If the initiating officer is not able to make that determination, their immediate supervisor or above, i.e. Incident Commander, though not on the scene, may make the decision based on what on-scene personnel are able to convey via the radio.
- If the officer requesting assistance does not specify the number of units needed or sufficient information is not available, or if a citizen rather than an officer initiates the call, a basic response team consisting of the following shall be dispatched to the scene:
    - Two units and a supervisor sent Priority 1
    - Two units sent Priority 2.

- The duties of the first units to arrive at the scene shall be as follows:
    - Advise Communications of their arrival.
    - Give a first-impression evaluation of the situation to determine if adequate resources are at the scene or en route.
    - Request additional units or increased response priorities, if necessary.
    - Cancel additional units or reduce response priority, if appropriate.

- Each subsequent unit to reach the scene shall advise Communications of their arrival. As soon as the situation is under control, the first unit on the scene shall provide an evaluation of the situation to Communications.

- Units clearing from the scene shall advise Communications of their availability for other calls.



Steven W. Chalmers
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4002 R-2**

HABITUAL/SERIOUS OFFENDERS – TOP 10 PROGRAM

Effective Date: 12/15/1995	Revision Dates: R-1 01/10/2005; **R-2 04/26/2013**

INTRODUCTION

The primary purpose of this General Order is to develop a program that identifies and deters habitual offenders. The successful prosecution of habitual offenders requires a close working relationship between members of the Durham Police Department and the District Attorney's Office. To achieve this goal, it is necessary for every officer to contribute to the early identification of the career criminal.

DEFINITIONS

Felony Offense - An offense which is a felony under the laws of this State, any other state, or the federal government, wherein a plea of guilty was entered or a conviction was returned, regardless of the sentence imposed. Exceptions - Federal offenses relating to the manufacture, possession, sale and kindred offenses involving intoxicating liquors shall not be considered felonies for the purposes of this directive.

Pardon - An executive action that mitigates or sets aside punishment for a crime and restores the rights and privileges forfeited on account of the offense.

CRITERIA FOR HABITUAL FELON STATUS

In order for a defendant to attain the status of habitual felon, the State must establish that the person has been convicted of or pled guilty to three felony offenses in a federal or state court in the United States or combination thereof.

- Felonies committed before a person attains the age of 18 years shall not constitute more than one felony.
- The commission of a second felony will not count towards habitual felon status unless it is committed after the conviction of or plea of guilty to the first felony. The commission of a third felony will not count towards habitual felon status unless it is committed after the conviction of or plea of guilty to the second felony.
- Guilty pleas or felony convictions prior to July 6, 1967 shall not be used to meet the requisite three felonies.
- Felony offenses to which a pardon has been extended shall not be used to meet the requisite three felonies.

RESPONSIBILITIES OF THE INVESTIGATOR OR PATROL OFFICER

When an officer has reason to believe that a person under investigation meets the requirements for habitual felon status, he or she must:

- Notify the Division or District Commander of that fact.
- Complete a records check through NCIC on the suspect.
- Complete a records check through the Clerk of Court.
- If a NCIC shows felony convictions from other jurisdictions, the officer or investigator must contact those jurisdictions for certified copies of the indictment and judgment. After records are obtained substantiating that the suspect is a habitual offender, the officer or investigator must contact the Assistant District Attorney handling the current case.

RESPONSIBILITIES OF THE DIVISION OR DISTRICT COMMANDER

The Division or District Commander of the affected unit shall:

- Ensure that the District Attorney's Office has been notified of the material facts related to the investigation by the investigator or officer.
- Coordinate the activities of the Division to ensure that maximum effort is directed toward a successful prosecution of the case. This would include making a verbal request to the District Attorney's Office for its assistance in case preparation.
- File a report with the Intelligence Officer at the conclusion of the investigation.

DISTRICT TOP 10 OFFENDER PROGRAM

Habitual/Serious Offender recognition requires the following actions:

- Specification of criteria designating certain individuals as habitual/serious offenders;
- Identification of all cases in which a designated habitual/serious offender is a party; and
- Notification to the prosecuting agency of such cases.

For a person to be considered a District Top 10 Offender, he/she must have committed, through a case clearance by arrest or exception, at least seven (7) qualifying offenses over the last ten (10) years. Qualifying offenses include all Part I crimes other than shoplifting, and any drug or weapon violations. At least one (1) qualifying offense must have occurred in the district during the previous year. For District 5, the minimum number of Part 1 crimes is five (5) to account for the differences in size between central district and the four outlying districts.

RESPONSIBILITY OF THE CRIME ANALYSIS UNIT

At the beginning of each calendar year, by January 31st, the Crime Analysis Unit will distribute an updated report through the end of the previous calendar year of persons eligible for the program. After receiving each district's list of selected offenders, the Unit will ensure the following steps are taken:

- Any offenders new to each district's list will have a new name alert created with the current date as the Active Date, the last day of the year 12/31/yyyy as the Expires, the district officer submitting the list as the Source, the CAU Supervisor as the Approved By, and the number of qualifying offenses listed on the candidate report in the Notes section.

- Any offenders on each district's list that is a repeat from the previous or earlier years will have their existing name alert updated as specified in the preceding bullet for each field.
- The name record for each offender selected will be checked for duplicate entries, and merged as necessary to ensure there is only one (1) name record for each Top 10 Offender.
- After all new Top 10 Offenders have been selected and their RMS name records updated, the CAU Supervisor will draft a letter from the Chief of Police to the District Attorney, notifying the DA as to who was selected for the District Top 10 Offender Program for the current year.

RESPONSIBILITY OF THE DISTRICT

At the beginning of each calendar year, after receiving the list of candidates for the District Top 10 Offender Program, the district commanders will select 10 persons as current year participants, based on their current level of criminal activity in the district, and the current goals of the district in abating violent and property crime. The list of selectees is due back to the CAU office by February 10th. Each district is responsible to ensure the following steps are taken:

- All potential selections from the list of candidates will have a criminal history, JusticeXchange, DOC and Accuprint/TLO query run to ensure the person is not in prison, or no longer a Durham resident, before being confirmed as a selectee.
- If the selectee is on probation/parole, the name and phone number of the probation/parole officer will be provided to Crime Analysis to be included in the name alert. In addition, the offender's conditions will be sent to CAU to be attached to the RMS name record.
- The district may retain a Top 10 Offender from a prior year on the new list, provided the person is still on the eligibility list and the stipulation in the preceding bullet has been met.
- Once the district has finalized its participants in the current year's Top 10 Offender Program, each of the 10 selectees will be paired with a district officer or investigator as part of the SOAP Program – Serial Offender Accountability Program.
    - The officer/investigator will attempt to learn as much information about the offender as possible, filling in any missing/outdated information on the RMS name record, like other addresses the offender frequents, such as family members or boyfriends/girlfriends.
    - The paired officer/investigator will make contact with the Top 10 Offender at least once per calendar month, or a minimum of three (3) attempts.
    - Each officer/investigator will document their monthly contact activity with the offender using a Field Contact submission.
    - Commanders will select a supervisor from the district to oversee the program and ensure personnel assigned to offenders are completing their monthly contacts and documenting their activity in Field Contact reports.

RESPONSIBILITY OF THE LINE OFFICERS/INVESTIGATORS

Any officer or investigator knowingly having contact with a Top 10 Offender will document the interaction. If the contact is random in nature and does not amount to an arrest or inclusion in a Code 1, completion of a Field Contact will suffice. If any Top 10 Offender is arrested for a felony, the officer/investigator will notate as such on the Felony Screening Checklist.

NOTIFICATION TO DISTRICT ATTORNEY'S OFFICE

In addition to the Felony Screening Checklist, a Crystal Report designed to run on the Navarre Report Scheduler each night will identify any contacts with, or new cases connected to, active Top 10 Offenders. This report will be emailed to district commanders, analysts, and personnel within the DA's Office.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4003 R-6**

CSTODIAL TRANSPORTS

Effective Date: 12/15/1995	Revision Dates: R-1 03/01/1996; R-2 05/01/1996; R-3 04/15/2001; R-4 - 1/10/2005; R-5 04/04/2014; **R-6 09/12/2017**

INTRODUCTION

The Durham Police Department (DPD) is committed to transporting individuals who are in police custody in a humane and safe manner. It is the intent of the Department to make reasonable attempts at ensuring the safety and security of in-custody individuals, the transporting officers, and the general public.

RESTRAINTS

Only the following temporary restraint systems may be used on detained individuals. Officers are responsible for applying the following systems so as to effectively reduce or prevent combative action without causing physical injury, to include cutting off a detainee's circulation.

Handcuffs

Handcuffs are the primary restraint system authorized by the Department and will be applied in accordance with training. They are authorized for lawfully restraining a detained individual's hands behind their back. Once handcuffs have been applied and the subject is compliant and not resisting, they should be double locked to prevent over tightening and the individual should be placed in an upright, seated or standing position. The following circumstances may require officers to modify the standard placement of handcuffs:

- Handcuffing in front of an individual's body may be done on compliant, non-combative persons in custody who, due to medical condition or physical restriction, are not able to place their arms behind their back or safely enter and exit a patrol vehicle with their hands behind their back.
- Individuals who can be handcuffed behind their back, but due to physical limitations such as the size of their upper body, cannot have their hands secured by a single set of handcuffs, may still be handcuffed behind their back by connecting two pairs of handcuffs to expand the distance between the individual's wrists.
- If an individual's wrists are small enough that they can be pulled out of the handcuffs at their tightest setting, officers may utilize one cuff to secure the wrists together, ensuring that the second cuff is not secured or caught, either intentionally or unintentionally, to any other object.

At no time will any member handcuff an individual to any fixed or moveable object.

Flex-cuffs

While Flex-cuffs are not standard issue to patrol, they are made available when it is anticipated that multiple arrestees may need to be handcuffed. Flex-cuffs will be applied in accordance with training. For removal, only flex-cuff cutters, side cutters, snips or other manufacturer specified tools will be used. For the safety of both officers and the arrestee, pocket knives, box cutters and other bladed instruments will not be used at any time to remove flex-cuffs.

Hobble Restraints

Officers are authorized to use department issued RIPP Hobble Restraint devices to secure a combative custodial individual's feet together in order to prevent them from kicking. The Hobble Restraint is only to be applied around an individual's ankles and tightened enough to restrict movement while limiting risk of injury. Once the individual's ankles have been secured, the free end of the restraint is closed in the car door closest to the individual's seated position and the excess material is closed in the door to the front seat. Restraint may not be used to connect the lower body (e.g. feet) to the upper body (e.g. handcuffed hands). This is commonly referred to as "hog-tying" and is prohibited under any circumstances.

Belt & Leg-irons

If a prisoner is being transported from a detention facility and they are turned over to the transporting officers restrained with leg-irons and belt system, officers are permitted transport utilizing these restraints. If removed for any reason, they will be reapplied in the same position as they were initially applied.

SEARCHES OF PERSONS BEING TRANSPORTED

All persons in police custody pursuant to arrest, a court order, or emergency involuntary commitment will be searched and handcuffed in accordance with this general order. This includes individuals transferred from another agency's custody. Before placing an individual who is in custody in a police vehicle for transportation, the transporting officer will follow the procedures for a search incident to arrest in accordance with G.O. 4004 Warrantless Search & Seizure, to ensure no weapons or contraband are in the individual's possession. The officer should never assume another officer made a search.

Individuals being voluntarily transported are not in custody and may not be required to be searched and/or handcuffed. The officer should be cautious and may request that the person be patted down before taking a seat in the vehicle.

VEHICLE SEARCH

Officers shall thoroughly search their patrol vehicles prior to and after transporting individuals in custody, and at the beginning and end of each tour of duty.

TRANSPORTING IN A VEHICLE WITH A SHIELD

When transporting an individual who is in custody in a police vehicle equipped with a shield, the individual will be placed in the rear seat area, and handcuffed in accordance with this policy. If possible, the individual shall wear a seatbelt/shoulder harness. The driver will ensure that the rear doors are locked.

- In situations involving one (1) officer and one (1) custodial individual, the individual will be placed in the right rear seat and not be placed directly behind the driver.

- If there are two (2) officers and one (1) custodial individual, both officers will be in the front seat area, the individual will be placed in the rear seat area, and the passenger officer will be responsible for maintaining surveillance of the prisoner.
- When one (1) officer is transporting two (2) custodial individuals, both individuals will be placed in the rear seat area.
- When two (2) officers are transporting two (2) custodial individuals, both officers will ride in the front seat area and both individuals will be placed in the rear seat area, and the passenger officer will be responsible for maintaining surveillance of the individuals.
- If the transporting vehicle is equipped with a camera, it should be pointed in the direction of the custodial individual and in record mode.
- If the transporting vehicle is equipped with an MDC, to the extent reasonably possible, the screens should not be made visible to the custodial individual.

TRANSPORTING IN A VEHICLE WITHOUT A SHIELD

When transporting an individual who is in custody in a vehicle without a shield, the individual will be handcuffed in accordance with this policy. The driver will ensure that the doors are locked Individuals placed in the back seat shall, whenever possible, wear a seat belt/shoulder harness.

With only one officer, the following procedure will be adhered to:

- The custodial individual will be placed in the right front passenger seat;
- Only one (1) individual at a time will be transported in custody in a vehicle without a shield;
- When riding in the front seat area, seat belt/shoulder harness use is mandatory.

When a police unit has two officers, the custodial individual will be placed in the right rear seat, with the passenger officer seated in the left rear seat.

For long distance transports, custodial individuals may be seated in the rear seat, secured with leg shackles and a seat belt/shoulder harness.

CUSTODIAL TRANSPORTATION OF THE OPPOSITE SEX

During routine day-to-day operations, the officer taking an individual into custody, regardless of gender, will transport the individual. In some cases, transport by an officer of the same sex may be desirable. Examples are:

- Individuals believed to be suffering from mental illness or who may be mentally unstable due to trauma or abuse;
- Individuals who are partially or fully unclothed so that their private parts are exposed ; and/or
- Individuals exhibiting significant intoxication or incapacity.
- On trips of extended length, whenever reasonably possible, an officer of the same sex should accompany the individual being transported.

The following procedure will be applied in those situations when an officer transports an individual in custody who is of the opposite sex:

- Upon beginning transportation, the officer will advise the Durham Emergency Communications Center (DECC) of the destination, starting location, and mileage.
- Upon arrival at the destination (if still in Durham area), the officer will advise DECC of the exact location and ending mileage.

TRANSPORTING JUVENILES

The procedures for juveniles will be the same as opposite-sex transport.

SECURITY WITHIN POLICE FACILITIES

Transporting officers are required to visually observe individuals in their custody at all times. At no time will an officer leave an in-custody subject unattended in a patrol vehicle. Since we do not have a holding facility, it is necessary that an officer constantly monitor individuals when they are in police custody. The observing officer shall remain with the individual, or in close proximity maintaining visual observation of the individual, at all times.

If the Patrol Services Bureau takes custody of an individual at any time, then the patrol officer is responsible for all processing, including observation at DPD Headquarters or a district substation if the individual needs interviewing. The observing officer shall remain with the individual, or in close proximity maintaining visual observation of the individual, at all times.

In the event that multiple individuals in police custody need to be interviewed, there should be a ratio of one officer to one individual. A Supervisor may amend this ratio based on an evaluation of the individual's likeliness to resist, become violent, or attempt to escape. Refer to G.O. 4022 - Civil Disturbances & Mass Arrest for incidents resulting in five (5) or more individuals arrested. If an investigator takes custody of an individual, they will contact the Patrol Sergeant of the district in which the incident occurred if assistance with observation and transporting is needed. The Patrol Sergeant may assign or not assign personnel based on manpower considerations.

When transporting an individual who is in custody in a Department elevator, the transporting officer should attempt to utilize elevators unoccupied by civilians, and request any such individuals attempting to enter to wait for the next available elevator. An individual in custody should not be brought in and out of DPD Headquarters through the public entrance. The officer transporting an in-custody individual should always keep control of the individual by not allowing him to remain unguarded or left without his hands controlling the movements.

Any officer having custody of an individual shall afford them a reasonable opportunity for water and the use of restroom facilities. If an arrestee is not viewed while using toilet facilities, they will be searched immediately after leaving the restroom. The restroom may also be searched before and after the arrestee uses the facilities. An arrestee should reasonably be given an opportunity for food and drink, at the Department's expense, based on the totality of the circumstances, taking into consideration extended periods of detention and/or claimed or apparent medical conditions.

MEALS

On trips of extended length where it is necessary to stop along the way for meals or rest stops, the location will be chosen at random. At no time should the officer lose sight of the custodial individual. Public facilities should be avoided under normal circumstances and drive-through facilities should be used when possible.

ASSISTANCE TO OTHERS

The primary duty of the transporting officer is the safe delivery of the individual in his/her custody. The officer should not stop, therefore, to render law enforcement assistance to third parties along the route, except under extreme emergency conditions where the risk to third parties is clear and grave, and the risk to the custodial individual is minimal. Should the officer decide to stop, local authorities should be immediately notified of the following:

- The identity of the officer
- The officer's status
- The nature and location of the incident

The transporting officer should only consider stopping when arriving first on the scene, and will remain only until other emergency assistance has arrived.

The transporting officer will not become involved in a pursuit, roadblock, or other situation that might create a risk of harm to the custodial individual.

ESCAPE FROM POLICE CUSTODY

In the event an individual escapes from custody, the transporting officer will immediately notify DECC, giving the present location, the direction of travel of the individual, name and description of the individual, and any other pertinent information that may aid in apprehension. The officer will make every effort to regain custody of the individual.

An alert will be broadcast to all units. A supervisor will be requested to respond to the scene. The transporting officer will write an Incident Report (Code 1), which will be forwarded to the Patrol Services Bureau Assistant Chief and the Professional Standards Division for review. Other law enforcement agencies will be notified, if appropriate, and if circumstances warrant their involvement.

COMMUNICATION BY INDIVIDUALS IN CUSTODY DURING TRANSIT

Safety aspects of the transportation function require that the custodial individual's rights to communicate with attorneys, clergy, family, and/or others will not be exercised during the period the individual is actually in transit, except in exigent circumstances, and then, only at a secure facility.

NOTIFICATION OF UNUSUAL RISK

The transporting officer will notify the receiving agency whenever the individual being transported is considered an unusual security risk, i.e. gang target, known history of escape, etc.

TRANSPORT TO DETENTION FACILITIES

The transporting officer will be aware of and follow the procedures at the different state institutions, mental health units, and county jails. The following policy will apply to all detention facilities:

- The transporting officer will at all times adhere to the policies of the receiving facility with regard to the securing of firearms.
- Restraints will only be removed on the instruction of the receiving officer.

- The transporting officer will be responsible for ensuring that all necessary paperwork is properly completed with regard to the individual in custody. The receiving officer's signature must be obtained and the completed paperwork turned over to the receiving officer.

TRANSPORT TO MEDICAL FACILITIES

When an arrestee is transported to a local hospital for any reason, the following will apply:

- Extreme caution will be taken to ensure the arrestee is isolated from other patients and is not left unattended, or permitted to escape the immediate control of the transporting officer.
- Should the arrestee need to be admitted, the transporting officer will notify his/her sergeant who will in turn notify the Watch Commander.
- The transporting officer will not leave the medical facility until he/she is relieved by another officer or is instructed by a supervisor to do otherwise.
- Upon the admission of an arrestee into the hospital, the decision whether a patrol officer will guard the individual will be made by the Watch Commander.

TRANSPORTS FROM OUTSIDE JURISDICTIONS

On occasion, officers of the Department are required to transport individuals from a location outside our jurisdiction and return these persons to local facilities. In those situations, the following procedures will be followed, as well as any other applicable Departmental policies and procedures.

- Should a meal be required during transport, the selection of the place for such meal is to be conducted at random.
- Upon retrieving an individual from a jail or other police facility, transporting officers are to ensure the proper identification of the individual through verification of available documentation (i.e. identifying numbers, photograph, etc.)
- Documentation that must accompany an individual being transported in police custody include a properly executed warrant, commitment papers or appropriate court orders, personal property, medical records, and other items that the jail or police facility may deliver to the transporting officer.
- Transporting officers are to inquire about any escape or suicide potential of the individual and any other traits of a security risk. Officers should note any security risks or suicide potential on the arrest report prior to booking a prisoner in the jail.
- The Watch Commander will determine the number of officers necessary to safely transport individuals from outside Durham County.

HANDICAPPED PERSONS

The custodial transportation of physically and mentally handicapped persons dictates special care and attention. If the situation warrants, wheelchairs, crutches, or other appliances shall be stored in the trunk of the transporting officer's vehicle. In rare cases, vehicles equipped with screens could prevent the transporting of some handicapped persons. In those situations, individuals may be transported in unmarked vehicles that do not have screens, if one is available, or in the sergeant's vehicle that also does not have a screen. If so, the procedures outlined in "Transporting in a Vehicle without a Shield" shall apply.

When transporting handicapped persons who are in police custody, the degree of physical restraint will be generally the same as that which is outlined in the earlier sections of this General Order. A prisoner in a wheelchair, one who uses walking aids, or one who has limited use of one or more appendage may not require the use of restraining devices in all instances. Every precaution shall be taken, however, to ensure the safety of the officer and the handicapped person. Depending on the individual's condition, therefore, the transporting officer shall exercise his/her discretion in determining the extent of restraint needed. Any time an officer has a question concerning the extent of restraint, a supervisor shall be consulted.

SICK OR INJURED PERSONS

Officer discretion must be exercised when conducting custodial transportation of sick or injured persons. Individuals with serious conditions are to be transported to a medical facility by ambulance. When possible, an officer should be designated to accompany the individual during such transport. A determination of the need for restraining devices is to be made upon consultation with medical personnel.

An injured or seriously ill arrestee in need of medical attention must be treated and released from a medical facility prior to transport to the county jail.

Officers are to advise the magistrate and detention officer of any health problems of an arrestee of which the officer has knowledge (e.g., heart condition, is taking medication, etc.).

VEHICLE MODIFICATIONS

In order to minimize opportunities for detainees to exit the patrol vehicle without assistance of the transporting officer, all marked patrol vehicles shall be modified so that the inside door handles and window cranks or electric windows are removed or made inoperable from the rear compartment.

Cerelyn J. Davis
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4004 R-3**

WARRANTLESS SEARCHES & SEIZURES

Effective Date: 12/15/1995	Revision Dates: R-1 11/16/2009; R-2 04/04/2014; **R-3 10/01/2014**

INTRODUCTION

It is the policy of the Durham Police Department to conduct all seizures and searches within the parameters of applicable constitutional, federal and state laws. This general order is intended to provide guidance to officers for conducting seizures and searches without a warrant, court process or other court order.

GOVERNING AUTHORITY

The following North Carolina statutes regulate warrantless seizures and searches: §15A-221 through 15A-231; 15A-285; and 15A-401.

INVESTIGATIVE STOPS/DETENTIONS WITH REASONABLE SUSPICION

An officer may conduct an investigative stop or detention if the officer has reasonable suspicion that the person stopped or detained has committed, is committing, or is about to commit a crime. Factors which may be considered in determining whether reasonable suspicion exists include, but are not limited to:

- The officer's observation of conduct that, in light of the officer's training and experience, appears to be criminal;
- Information the officer receives from other officers, citizens or informants;
- The time of day or night;
- Whether the area is a high-crime area;
- The suspect's proximity to a location where a crime was recently committed or to a home, car, or business where criminal activity may be taking place;
- Whether the suspect is a stranger to the area;
- The suspect's reaction to the officer's presence, including flight after seeing the officer;
- The officer's knowledge of the suspect's prior criminal record and activities, if they are relevant to the crime the suspect may be committing;
- The suspect's flight from the scene of a crime.

Investigative stops/detentions are generally limited to that period of time which is reasonably necessary to confirm or dispel the reasonable suspicion which initially justified the stop. Continuing the stop or detention for any prolonged period afterwards requires consent of the party being detained or additional articulable

reasonable suspicion. Prolonged periods of detention which are not justified by consent or additional reasonable suspicion may be considered the functional equivalent of an arrest which would then have to be supported by probable cause.

INVESTIGATIVE STOPS/DETENTIONS WITHOUT REASONABLE SUSPICION

Driver's License, Vehicle Registration and Impaired-Driving Checks: Refer to *G.O. 4012 Checking Stations*.

ARRESTS

An officer may make a warrantless arrest of a person when the officer has probable cause to believe that the person has committed a felony. An officer may make a warrantless arrest for a misdemeanor in the circumstances set forth in North Carolina General Statute §15A-401. The factors used to establish probable cause are the same as those indicated above, which are used to establish reasonable suspicion. Although a warrantless arrest may be justified, an officer may nonetheless need to obtain an arrest warrant, a search warrant, or both, in order to enter the defendant's or a third party's home to effectuate the arrest.

SEIZURE AND SEARCH BY VALID CONSENT

Officers who may not otherwise have sufficient justification under the Fourth Amendment to conduct a search may nonetheless do so if a person voluntarily consents.

People Who Are Entitled to Give Valid Consent

Officers must obtain consent to search from a person whose reasonable expectation of privacy may be invaded by the proposed search. When two or more people share a reasonable expectation of privacy in the same place, any of the parties may give valid consent, however, when more than one person with equal expectations of privacy is present and one person objects, consent of another party may not be relied upon.

- *Spouses and Roommates*: Generally, a spouse or roommate may give valid consent to search commonly used areas, but may not give valid consent to search an area used exclusively by the other spouse or roommate.
- *Parents and Children*: Generally, parents may consent to a search of a minor child's room unless the child has established exclusive use of and access to the room. A parent does not have the authority to give valid consent to search personal possessions that are within a child's room if the child has established exclusive use of and access to those items. Generally, minor children may not provide valid consent to search their parents' home.
- *Landlords and Tenants, Owners/Managers and Guests*: Only a tenant may consent to a search of leased property. After the tenant has permanently left the property, either voluntarily or through the eviction process, the landlord may provide valid consent. Only a guest of rented real property (such as a hotel or motel) may consent to a search of the property. After the guest has permanently left the property, either voluntarily or by trespass, the owner or person otherwise in charge of the property may provide valid consent. Only an overnight guest may consent to a search of a room set aside for the exclusive use of the guest. After the guest has permanently abandoned use of the room, either voluntarily or by trespass, the homeowner or person otherwise in charge of the property may provide valid consent to search the room.
- *Employers and Employees*: Employees may consent to a search of their employer's property only if their employment includes authorization to exercise control over the property. Employers may consent to a

search of their entire property except for any area that has been set aside for their employees' exclusive use in such a way that employees have a reasonable expectation of privacy in the area to be searched.

- *School Administrators and Students*: Officers should not rely upon the consent of a school administrator in order to search a student's locker, dormitory room, or personal possession.
- *Drivers and Owners of Vehicles:* Either the driver or registered owner of an automobile may consent to a search of the vehicle. If both the driver and owner are present, officers should defer to the wishes of the owner since the owner's expectation of privacy is superior to that of the driver.

Content of a Valid Consent

Documentation of Consent:

- Consent must be expressed clearly. Officers attempting to obtain written consent shall use the Consent to Search form (Attachment 1). When conducting a consent search within this agency's territorial jurisdiction, the form must be completed for searches of residences, businesses, property that is not within a person's possession or immediate control, electronics and vehicles. If consent of the aforementioned locations or property is denied, the form must still be completed and the denial of the consent to search documented on the form.
- If officers of another agency are assisting the Durham Police Department pursuant to a mutual aid agreement, the supervising officer coordinating the operation/assistance shall ensure that all officers obtain written consent in accordance with this policy. If officers of the Durham Police Department are assisting another agency outside of their territorial jurisdiction pursuant to a mutual aid agreement, Durham Police officers may obtain lawful consent in the form allowed by the requesting agency.

Voluntariness: Consent must be voluntary and not the result of either express or implied duress or coercion.

Warnings: An officer is not required to provide any specific warnings to a person prior to asking for consent to search.

Scope of a Valid Consent Search

Scope of a consent search is governed by the terms of the consent given. General consent to search a person, however, does not include inspecting the person's genitals. A reasonable person must understand that he or she is agreeing to a strip search for such examination to be within the scope of a consent search. General consent to search a vehicle does not include damaging or dismantling the vehicle. A reasonable person must understand that he or she is agreeing to a search in a manner that would likely damage or dismantle the vehicle in order for such a search to be within the scope of the consent provided.

A person who consents may limit or revoke the consent in any way. To search an area thus barred, an officer would need some other legal justification.

Inventory Form

All property seized pursuant to a consent search shall be inventoried on AOC Form CR-206. A copy shall be provided to the person who consented to the search and, if known, to the owner of the vehicle or premises searched.

EXIGENT CIRCUMSTANCES

A residence may be entered, and persons and property may be searched, without a warrant, if probable cause to search and exigent circumstances exist. Factors which may be considered in determining whether exigent circumstances exist include, but are not limited to:

- Whether an officer had probable cause to obtain a search warrant before the exigency was created;
- Whether an officer had an objectively reasonable belief that destruction or removal of evidence was imminent;
- The likelihood that violence might be committed against the officers;
- The gravity of the offense;
- How long it would take to obtain a search warrant.

After the residence has been entered and secured so that the exigent circumstances no longer exist, a search warrant or valid consent must be obtained before any further search of the house may occur.

PUBLIC EMERGENCIES

An officer may enter buildings, vehicles and other premises; limit or restrict the presence of persons in premises or areas; or exercise control over the property of others when an officer reasonably believes that doing so is urgently necessary to save life, prevent serious bodily harm, or avert or control public catastrophe. This statutory authority may not be used however to justify an action taken to enforce the criminal law or to seize a person or evidence.

PLAIN VIEW

When an officer is in a public place, an area not protected by the Fourth Amendment (such as open fields), or an area in which the officer otherwise has a lawful right to be (such as a home pursuant to valid consent or a warrant), property which the officer sees, smells, touches, tastes, or hears in “plain view” (or other appropriate description when knowledge is gained through a sense other than sight), which the officer has probable cause to believe is evidence of a crime, may be seized without a warrant.

FRISKS

A frisk is a pat-down of a person’s outer clothing to determine whether the person has a weapon. Officers may frisk a person when the person has been lawfully stopped, and either the officer can articulate reasonable suspicion that the person is armed and dangerous or the officer has reasonable suspicion to believe the suspect has committed a violent crime or a crime associated with violence and the possession of weapons (such as controlled substance violations). Factors which may be used in determining whether reasonable suspicion to frisk exists, include, but are not limited to:

- The kind of crime for which the person was stopped;
- Whether officers reasonably believed, based upon personal knowledge or information received from others, that the person was armed and dangerous;
- The behavior of the person frisked;
- A bulge in the person’s clothing;
- The person’s prior criminal record and history of dangerousness.

When an officer has articulable reasonable suspicion to frisk a person, if an officer of the same sex as the suspect is not readily available to perform the frisk, the officer should attempt to frisk the suspect in a manner that minimizes potential accusations of improper touching such as using the back of the officer's hand or having a witness. If the frisk indicates that a weapon is present, officers may make a warrantless seizure of the weapon. If, during a lawful frisk, an officer feels an object that is immediately apparent to be contraband, although not a weapon, the officer may make a warrantless seizure of the evidence. An officer may not turn or manipulate the object during the frisk in order to develop probable cause to believe the object is contraband.

Car Frisks

An officer with reasonable suspicion that an occupant of a vehicle is dangerous and that a weapon is located in the vehicle, rather than on the person, may search the vehicle only to the extent necessary to discover the weapon. The search may not include areas which are not readily accessible, such as a trunk.

SEARCH INCIDENT TO ARREST

A search incident to arrest may be made if the person to be searched is arrested. If an officer decides to issue a citation rather than formally arresting the defendant, a search incident to arrest may not be made. The search may not be remote in time from the arrest.

Scope of Search – Generally

The scope of a search incident to arrest, other than a search made when an occupant of a vehicle is arrested, is limited to a search of the arrestee's person and the area and objects within the arrestee's immediate control, except for locked containers.

Scope of Search – Occupant of a Vehicle

The scope of a search incident to the arrest of an occupant of a vehicle is limited to a search of the arrestee's person and, only if certain circumstances exist, the passenger compartment of the vehicle. The passenger compartment of the vehicle, including any locked or unlocked containers within it, may be searched if the arrestee is unsecured and within reaching distance of the passenger compartment of the vehicle at the time of the search. However, the United States Supreme Court has noted that because officers usually have many means available to secure an arrestee, such as back-up, handcuffs, and patrol cars in which an arrestee may be placed, it should be the rare case in which this situation arises. Otherwise, the passenger compartment of the vehicle, including any locked or unlocked containers within it, may only be searched if the officer reasonably believes that the vehicle contains evidence related to the crime for which the occupant has been arrested.

Every reasonable effort should be made for an officer of the same gender as the arrestee to respond to the scene and conduct the Search Incident to Arrest. This may require assistance from an officer, investigator or supervisor from the arresting officer's unit or another unit or division, or an officer that is currently on a call but can assist within a reasonable amount of time. The arrestee may be required to wait at the scene of the arrest for a reasonable amount of time for an officer of the same gender to respond.

If all options have been exhausted and there are simply no officers of the same gender available at the time of the arrest, then the arresting officer shall conduct a search incident to arrest prior to transporting the arrestee. The arresting officer shall arrange for a second officer, preferably a supervisor, to witness the search.

If an officer has probable cause to believe a vehicle is itself evidence of a crime or an instrument of a crime, the vehicle may be seized from a public place without a search warrant.

If an officer has probable cause to believe a vehicle contains evidence of a crime and the vehicle is in a public place, the vehicle may be seized without a search warrant, and may be searched without a search warrant at the place where it was seized or at a law enforcement facility or other location. The scope of the warrantless search includes any place within the vehicle that the evidence could reasonably be found, including containers such as suitcases, briefcases, purses and bags.

IMPOUNDMENT AND INVENTORY OF VEHICLES

An officer impounding a vehicle for safekeeping must conduct an inventory search. Although these searches must be reasonable, officers do not need a search warrant because the purpose of the search is not to locate evidence. Officers conducting impoundment searches must follow the guidelines set forth in General Order 4044 – *Towed & Stored Vehicles*. Officers should use the inventory form used with all seized property and should record all objects found in the passenger compartment (including the glove box and console) and trunk. Property with evidentiary value and firearms shall be seized and submitted into the property room. Paper currency and jewelry (excluding costume) shall be seized and submitted into the property room if the person in charge for the vehicle is unable or unwilling to take possession. Officers must open all closed, but not locked, containers fi the contents cannot be ascertained from the exterior of the container. Officers shall not open locked containers in the course of an inventory search, however, because a "sniff" by a K-9 is not a search, officers may have a K-9 sniff and impended vehicle and then seek a search warrant for examination of the entire vehicle.

PROPERTY SUBJECT TO FORFEITURE

North Carolina statutes authorize the forfeiture of vehicles and other property used in certain criminal activities. Officers must obtain an order from a district or superior court judge to seize property subject to forfeiture unless authorized by statute or other legal justification.

RECORDING SEARCHES

Prior to conducting a search incident to arrest, probable cause, inventory or consent search, Officers will make every reasonable effort to ensure that the in-car camera system is recording (both video and audio) footage of the traffic stop.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4005 R-3**

ADVICE & WAIVER OF RIGHTS

Effective Date: 12/15/1995	Revision Dates: R-1 11/16/2009; R-2 06/06/2011; **R-3 12/01/2015**

INTRODUCTION

It is the policy of this Department to adhere to the provisions of the United States and North Carolina Constitutions, as well as North Carolina General Statutes, which affect an officer's authority to interview criminal suspects.

VOLUNTARINESS

A defendant's statement is not admissible at trial for any purpose unless it was made voluntarily and with understanding. The totality of the circumstances surrounding the statement will be considered in determining whether the statement was improperly induced by hope or fear. Factors include, but are not limited to:

- The officer's conduct before and during the interview;
- The defendant's physical and mental condition;
- The defendant's prior history of involvement with law enforcement officers;
- The environment in which the interview occurred;
- Whether officers made promises or threats to the defendant or used deception.

Officers may not use physical threats or engage in other conduct that might induce a suspect to make a statement in fear of what might happen if the suspect does not do so. Officers also may not make promises to induce the suspect to talk. For example, officers should avoid making statements that promise a reduced charge or sentence or better treatment if the suspect will give a statement, tell the suspect that the officers will testify in court for the suspect if he or she gives a statement, or tell the suspect that it will be harder on the suspect if he or she does not cooperate.

5TH AMENDMENT MIRANDA RIGHTS

Rights and Warnings

Before interviewing an in-custody suspect, an officer must advise the suspect and obtain a valid waiver of the following rights:

- You have a right to remain silent;
- What you say may be used in court against you;
- You have a right to have a lawyer present during interrogation;

- You have a right to an appointed lawyer during the interrogation if you cannot afford to hire one.

A suspect under eighteen years of age, who is not a member of the armed forces or emancipated by marriage or court order, must be advised of the first three rights above, as well as the right to have a parent, guardian or custodian present during questioning, and the right to an appointed lawyer regardless of indigence.

Waiver

A suspect's waiver of *Miranda* rights and any applicable statutory rights must be knowing and voluntary.

Advisement of both the *Miranda* and statutory rights, and a suspect's waiver, may be oral or written, although written is preferred. ***Officers attempting to obtain a written waiver shall use the applicable attached Rights Waiver form only.*** A suspect's waiver may be explicit or implicit, although explicit is preferred.

If the person taken into custody is less than 16 years of age, the child's parent, guardian, custodian or attorney must be present during any interview. If an attorney is not present, the parent, guardian or custodian must also be informed of the child's rights.

A parent, guardian, custodian or attorney may not waive the child's rights on behalf of the child. Any waiver must be obtained from the juvenile.

Invocation of Rights

If, at any time, a suspect unequivocally expresses an unwillingness to be questioned or to continue with questioning or asserts the right to counsel, questioning (or the functional equivalent) which is likely to elicit an incriminating response may not begin or, if already begun, must immediately stop.

Resumption of Interview After Assertion of Rights

If an in-custody suspect asserts both the right to remain silent and the right to counsel, the rules which apply to the resumption of questioning after assertion of the right to counsel will govern.

- **Assertion of the Right to Remain Silent**

  An in-custody suspect's assertion of the right to remain silent must be scrupulously honored by waiting a significant period of time before any second or subsequent interview is attempted. If an in-custody suspect asserts the right to remain silent and then changes that decision on his or her own initiative, the suspect may be immediately interviewed. However, officers must advise the suspect of *Miranda* and any applicable statutory rights, and obtain a valid waiver, prior to any second or subsequent interview.

- **Assertion of the Right to Counsel**

  Once an in-custody suspect asserts the right to counsel, a second or subsequent interview about any crime may not be attempted until the suspect has been released from custody imposed for any offense for more than 14 days, or the suspect's attorney is present, or the suspect initiates further communication. Officers must advise the suspect of *Miranda* and any applicable statutory rights, and obtain a valid waiver, prior to any second or subsequent interview.

Exceptions

- **Public Safety**

  A person's statement during custodial interrogation that was given without *Miranda* warnings may be admissible when officers have an objectively reasonable need to protect themselves or the public from an immediate danger associated with a weapon. Once the necessary information has been obtained, or

the immediate danger is over, the officer must advise the arrestee and obtain a valid waiver of *Miranda* rights if the officer intends to continue questioning the suspect.

- **Booking-Questions**

  Routine booking questions may be asked and answered without *Miranda* warnings and a waiver. However, if the defendant's answer to a routine booking question is likely to establish an element of the crime to be charged, in order for the defendant's answer to be admissible at trial, the officer must advise the defendant and obtain a valid waiver of *Miranda* rights prior to asking the particular booking question.

Volunteered Statements

An in-custody suspect's volunteered statements may be admissible in court, even if *Miranda* warnings have not been provided nor a waiver received, provided the statements were not made as a result of interrogation.

Request for Consent Search

A request of an in-custody suspect for consent to search is not interrogation. An officer may approach an in-custody suspect, even if the suspect has asserted the right to remain silent or counsel, and ask for consent to search.

6TH AMENDMENT MASSIAH RIGHTS

Rights and Warnings

A defendant's 6th Amendment rights begin at the time the defendant has an initial appearance before a magistrate, a first appearance in district court, or is indicted. Once a defendant's 6th Amendment rights have begun, an officer must advise the defendant of his or her rights and obtain a valid waiver prior to deliberately eliciting information from the defendant by interrogation or conversation about the pending charge.

Waiver

A defendant's waiver of the 6th Amendment right to counsel must be knowing and voluntary.

Miranda warnings and waiver are sufficient to waive the 6th Amendment right to counsel. Therefore, officers wishing to obtain a written waiver shall use the applicable attached Rights Waiver form.

There is not a specific age at which a non-custodial juvenile is barred from waiving the 6th Amendment right to counsel. However, the age of the child will likely be considered in determining whether a waiver was knowingly made. A parent, guardian, custodian or attorney may not waive the child's rights on behalf of the child. Any waiver must be obtained from the juvenile.

Assertion of Rights

If an officer seeks to interview a defendant and the defendant, after being advised of his or her rights, refuses to waive the 6th Amendment right to counsel, neither that officer nor any other officer shall attempt to initiate a second or subsequent interview unless the defendant has initiated further communication or his or her attorney is present.

Volunteered Statements

A defendant's volunteered statements may be admissible in court, even if 6th Amendment rights warnings have not been provided nor a waiver received, provided the statements were not the result of an officer's deliberate efforts to elicit information from the defendant by interrogation or conversation

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4006**

SEARCH & FRISK OF MEMBERS OF THE OPPOSITE SEX - RESCINDED

Effective Date: 12/15/1995	Revision Dates: Rescinded 11/16/2009

On November 16, 2009 this general order was rescinded. Its contents were incorporated into G.O. 4004.

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4007 R-5**

RESPONSE TO INDIVIDUALS WITH MENTAL ILLNESS

Effective Date: 12/15/1995	Revision Dates: R-1 05/01/1996; R-2 04/13/2007; R-3 06/11/2014; R-4 02/01/2016; **R-5 09/12/2017**

INTRODUCTION

It is the policy of the Durham Police Department to provide individuals who are in crisis, displaying signs of mental illness or severe emotional distress with the same rights, dignity and access to law enforcement and other government and community services as are provided to all citizens, but without compromising the safety of the individual, citizens, or the officers involved in the incident.

CRISIS INTERVENTION TEAM

The Crisis Intervention Team (CIT) consists of sworn officers who have successfully completed the 40 hour Crisis Intervention Training and are therefore designated to handle situations involving the mentally ill, incapacitated persons, persons in crisis and their families.

CIT is a resource when responding to individuals who exhibit behavioral indicators of mental illness, developmental disabilities or display behaviors indicative of someone experiencing emotional trauma or incapacitation due to alcohol, drugs, or other substances. The CIT works in partnership with public safety communications, health professionals, and the community to reach the common goals of safety, understanding, knowledge, and service to individuals who are in crisis and who exhibit symptoms of mental illness.

Whenever possible, a member of the CIT should respond to calls for service involving mentally ill individuals, however, CIT members only handle those incidents that do not rise to the level of a high-risk incident.

CIT Coordinator

An officer with the rank of Sergeant or above will be designated by the Chief of Police to serve as the CIT Coordinator. The Coordinator will serve as a liaison between the Police Department and the medical, social and community services utilized by the CIT.

The CIT Coordinator or designee will collect and review calls and referrals for appropriate follow-up and statistical collection. They will also manage all aspects of the Department CIT program.

CIT Training

After completion of the final PTO phase, officers may volunteer for the CIT. Before being selected for the CIT, officers must successfully complete a 40 hour certification course. After successful completion, officers will be awarded the CIT certificate and uniform pin that designates him/her as a CIT officer.

RECOGNIZING CHARACTERISTICS OF MENTAL ILLNESS OR CRISIS

Behavioral indicators of different mental illnesses or someone in crisis may include, but are not limited to:

- Loss of memory or inability to concentrate;
- Confusion, disorientation, hallucinations, or delusions;
- Depression, deep feelings of sadness, hopelessness or uselessness;
- Manic behavior, anxiety, accelerated thinking and speaking, or hyperactivity;
- Withdrawal from family and friends, abnormal self-centeredness;
- Incoherence, extreme fatigue, insomnia; and/or,
- Extreme paranoia.

The degree to which these symptoms exist varies from person to person according to the type and severity of the mental illness. Many of these symptoms represent internal, emotional states that are not readily observable from a distance, but are noticeable in conversation with the individual.

While the above list is comprised of indicators of possible mental illness, members must be mindful that they may also signify a condition other than mental illness; e.g., alcohol or drug abuse, a medical disorder, head injury, dementia or aging disorder, etc. The Department member is not expected to diagnose such conditions or illnesses, but recognizing symptoms that may indicate mental illness will help members decide on an appropriate response and disposition.

GUIDELINES FOR INTERACTION

When responding to a call that involves a person who has or exhibits symptoms of mental illness, officers should attempt to utilize the following guidelines:

- Gather as much information as possible about the individual from family, friends, human services and/or witnesses.
    - Has the person threatened or attempted to use violence or acted dangerously toward themselves or others?
    - Does the person have a history of mental illness?
    - Does the person take any medications?
- Establish a perimeter to protect the individual.
- Remove distractions such as noise and bystanders to help diffuse the situation.
- Move slowly and announce your actions before initiating them, unless doing so would compromise safety.
- Adhere to established training for the protection of the mentally ill person, officers, and bystanders.
- When tactically safe to do so, communicate with the person using the following guidelines:
    - Remain calm and respectful.
    - Be friendly, patient, truthful, encouraging, and remain firm and professional.
    - Use simple, consistent language.
    - Reassure the person that you do not intend to harm him/her.

- Avoid sudden movement, shouting or giving rapid orders.
- Avoid forcing discussion; give the person time to process.
- Avoid getting too close, cornering, or touching the person without their permission.
- Avoid expressing anger, impatience, or irritation.
- Avoid buying into or agreeing with delusional or hallucinatory statements.
- Do not use inflammatory language; make jokes, or rude comments.
- Do not assume a person who does not respond cannot hear or comprehend you.
- Do not ask why; instead ask how or what.

The Department's CIT Coordinator maintains a Crisis Evaluation Tool that is available to all officers. This tool provides officers with recommended questions, an observational checklist, available resources and a list of considerations to assist officers in deciding the appropriate actions to be taken for the circumstances. A CIT report module is available when an officer is completing an incident report in the mobile field reporting system. To assist officers in gathering appropriate information, a paper version of the CIT Report is available to officers. Officers should be familiar with these documents and have them readily accessible for reference on calls for service.

Members shall consider the necessity of involving additional resources in evaluating the mentally ill person's needs. These resources may include any of the community resources identified in the Crisis Evaluation Tool.

Officers shall recognize that because of the complex nature of mental illness, traditional call resolutions such as arrest or hospitalization may not be appropriate. 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 has committed a crime, or presents a danger to the safety of themselves or others and meets the criteria for commitment procedures.

PROCEDURES FOR CIT RESPONSE

When called to the scene in the absence of a supervisor, the CIT officer has the authority to direct police activities. The CIT officer shall relinquish such authority when relieved by, or at the discretion of, a supervisor. Non-CIT trained supervisors shall give reasonable latitude to CIT officers when making the decision to relieve.

Upon arriving and identifying the call as a CIT call, the officer should identify themselves if feasible, as a CIT officer.

Once the crisis has been stabilized, the CIT officer will document the findings of the call by making notes in CAD and if necessary, complete any other reports as deemed necessary by the Durham Police Department. The call should be cleared as either Code 5 or Code 5R (if an IR# was assigned to the call). The report will be forwarded to the CIT Coordinator.

Officers shall also recognize that behavior indicators of mental illness or crisis may be displayed at any time. Officers should be cognizant of the behavior indicators mentioned above during preliminary and follow-up investigative actions. If an officer conducting an investigation (preliminary or follow-up) observes these indicators, they should refer to the Crisis Evaluation Tool and, if beneficial contact the CIT for a response.

INTERVIEWS & INTERROGATIONS

If possible, individuals exhibiting indicators of mental illness should be interviewed in a calm setting, free from

distraction. Members should ensure the person has access to water, restroom facilities and prescribed medications, as needed. When reasonably feasible, members should contact the CIT coordinator or other members of the CIT and review any options for assistance, such as facilitating contact with providers, mental health professionals or caregivers the subject might be connected with.

Custodial interrogations of any individual shall be conducted in accordance with all applicable constitutional, statutory and policy requirements. An individual's statements to police must be made voluntarily and with understanding. A court will consider the totality of the circumstances surrounding the statement(s) to determine whether they were made voluntarily and with understanding including, but not limited to, factors such as the individual's physical and mental condition. The fact that officers properly advise an individual of their Miranda warnings and obtain a waiver does not, by itself, guarantee that a court will determine that an individual's statements were made voluntarily and with understanding. Therefore, officers should take into consideration the extent to which a person's mental illness or impairment may affect their ability to comprehend their rights and willingly waive them. If it would appear to a reasonable person that the individual does not have an understanding of their rights, questioning of the person related to the criminal investigation should cease.

TRANSPORATION & COMMITMENT PROCEDURES

Officers are encouraged to use all available options listed in the Crisis Evaluation Tool before transporting and/or committing individuals.

Durham Recovery Response Center (formerly known as Durham Center Access) should always be a first choice for either voluntary transport or involuntary commitment.

The emergency room should only be considered if:

- There is a medical issue requiring evaluation or hospitalization;
- There is imminent danger for violence; or
- The subject has severe memory, intellectual or physical impairment.
- The subject needs to be committed and is under the age of 18.

Veterans should be encouraged to use the VA hospital.

For all transports, the officer will document (either in CAD notes or the incident report) the following information to assist in the CIT follow-up:

- Name, date of birth and address of the person being transported;
- The facility that they were transported to; and
- The reason for the transport (medical evaluation, violent actions, directed by a primary facility, etc.).

Voluntary Commitments

Voluntary admission shall be used when an officer comes into contact with any subject suspected of having a mental illness, alcoholism, or drug addiction who recognizes that he/she needs treatment and is willing to seek professional help voluntarily. The officer shall always first encourage the person or his/her relatives to initiate voluntary admission proceedings where no overt acts are present and when the person is not violent.

The officer shall advise the person seeking help to contact the Durham Recovery Response Center (DRRC), Mobile Crisis or other providers as listed on the Crisis Evaluation tool or a private physician for an

appointment. If a transport for a voluntary commitment is conducted, officers are expected to articulate the need for the transportation (see Crisis Evaluation Tool).

If immediate or emergency treatment is needed by the subject and the subject is willing to go voluntarily, he/she may be transported to DRRC or a local hospital.

Involuntary Commitments

Anyone having intimate knowledge of an individual who is mentally ill and either (i) dangerous to self or others (as defined in N.C.G.S. 122C-3(11)a or 122C-3(11)b), or (ii) in need of treatment to prevent further disability or deterioration that would predictably result in dangerousness may apply to the clerk or magistrate in the county where the respondent resides, or is found, for a Custody Order to take the respondent into custody for examination by a physician or eligible psychologist.

An officer who receives a valid Custody Order for Involuntary Commitment must take the respondent into custody within 24 hours after the Order is signed. If the respondent cannot be located and taken into custody within the 24-hour period, the officer in possession of the Order shall be responsible for returning it to the magistrate or clerk to be evaluated for re-issue.

Upon taking custody of the respondent, the officer must proceed directly to DRRC or an appropriate hospital. Whenever transporting a respondent to DRRC, officers should first contact the Center to ensure that there is available space in order to avoid unnecessary transport time. There the respondent will be examined by a physician or qualified psychologist. After conducting the examination, the physician or psychologist will determine if the respondent meets the requirements for commitment to a treatment facility. Regardless of whether the respondent is committed or released, the officer taking custody of the respondent pursuant to the Custody Order shall complete the Return of Service section on the Custody Order and return the original to the magistrate or clerk.

Emergency Commitments

Anyone, including a law enforcement officer who has knowledge of an individual who is subject to inpatient commitment and who requires immediate hospitalization to prevent harm to self or others, may transport the individual directly to DRRC or an appropriate hospital for examination by a physician or eligible psychologist. Officers are expected to articulate the need for an emergency commitment (see the Crisis Evaluation Tool). Prior to, or upon arrival at the receiving facility, officers must advise the staff that the subject is in custody regarding an emergency commitment. Custody may be transferred to a law enforcement officer at the facility if the officer or agency is willing to assume custody.

*NOTE: This process is to be used only in the most unusual and extreme circumstances.

FORCIBLE ENTRY TO TAKE RESPONDENT INTO CUSTODY

Officers in possession of a valid Custody Order for Involuntary Commitment do not need to obtain a search warrant to enter the respondent's premises in order to take the respondent into custody. An officer may enter the premises of the respondent under the same circumstances allowed for executing an arrest warrant. The officer must: have probable cause to believe that the person to be taken into custody is on the premises; have given notice of his or her presence unless there is probable cause to believe that giving such notice would present a clear danger to human life; and have the valid signed custody order in his or her possession. If, after these conditions are satisfied, the officer reasonably believes his or her admittance is being denied or unreasonably delayed, the officer may use a reasonable amount of force to enter.

If the respondent is in a third party's premises, the third party must give consent or the officer must obtain a search warrant in addition to the custody order to enter the premises.

In addition, an officer may forcibly enter private premises to take a respondent into custody if doing so is urgently necessary. This can be done without a search warrant or even an involuntary commitment order. N.C.G.S. 15A-285 allows an officer to enter buildings, vehicles and other premises if he or she reasonably believes that doing so is urgently necessary to save life, prevent serious bodily injury, or avert or control a catastrophe. This provision should only be relied upon in the most unusual and extreme circumstances.

TRANSPORTATION

To the extent feasible, officers transporting respondents should dress in plainclothes and travel in unmarked vehicles.

A respondent being transported for the purpose of examination, treatment or commitment must be provided a driver or attendant of the same sex. A family member may be requested to accompany the individual during transport in lieu of the same sex driver or attendant.

Under no circumstances should a respondent be left unattended by an officer in a vehicle.

If an individual transported for voluntary commitment changes his or her mind, or the respondent is either not committed or outpatient commitment is recommended, then the responding officer or designee shall transport the individual home or, with the individual's consent, to the home of a consenting third party.

If the respondent is committed for inpatient treatment, an officer may be required to transport the individual to another treatment facility within the city.

TRANSFER OF CUSTODY

An officer transporting an individual to DRRC or an appropriate hospital for Involuntary or Emergency commitment must remain with the individual until the individual and any accompanying commitment papers are delivered to another law enforcement officer or facility staff, and a transfer of custody is agreed upon. It is the transporting officer's responsibility to update the facility medical staff of information relevant to the commitment.

If an officer is completing a commitment paper transport only to a 24-hour treatment facility, then the officer must be able to confirm that the respondent is in the facility before leaving and/or signing the custody order. If this cannot be confirmed the officer should return the paperwork to the magistrate's office. Return of service is the officer's responsibility.

TRANSPORTATION ORDERS

A Transportation Order may be issued for an individual who, while being treated as an outpatient, fails to comply with prescribed treatment. Such an order directs a law enforcement officer to take a named individual into custody for transportation to a specified treatment facility for evaluation. An outpatient respondent who is subject to a Transportation Order may be transported without his or her consent to the evaluation center using reasonable force if necessary. The officer may, but is not required to, wait during the examination and return the respondent home after examination.

An officer executing a Transportation Order shall complete the Return of Service section and return the original to the magistrate or clerk. If the respondent cannot be located and taken into custody, the officer in possession of the Order shall be responsible for returning it to the magistrate or clerk as unserved.

INEBRIATED PERSONS PROTOCOL

Officers will from time to time encounter individuals who are intoxicated in public, but are not otherwise in violation of laws or ordinances. These individuals may, if left unattended, present a danger to themselves or others. Officers should first attempt to take the inebriated individual to his/her home or a friend's or relative's home.

If transporting the individual to a residence is not feasible, then officers may transport the person to DRRC. In this case, the individual must go voluntarily and not have any known medical problems. If medical treatment is warranted, then the consumer must be transported to an appropriate medical facility. The Crisis Evaluation Tool may be used to assist in determining whether a subject should be transported.

As a last resort, individuals may be transported to the Durham County Jail and placed within a holding cell. The Detention Officer will be advised that the individual is being detained in "twenty four hour hold" status. Officers will comply with detention center procedures regarding the transfer of custody.

DEPARTMENT TRAINING

Members will receive documented training regarding interactions with persons suspected of suffering from mental illness that is appropriate for their assignment. Officers will be trained to interact with individuals suspected of having a mental illness during the initial BLET training. Select officers may receive more advanced, Crisis Intervention Team training when it is available.

All members will receive documented refresher training regarding interactions with persons suspected of suffering from mental illness at least once every three years.

Cerelyn J. Davis
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4008 R-12**

USE OF FORCE

Effective Date: 12/15/1995	Revision Dates: R-1 03/01/1996; R-2 04/15/2001; R-3 04/21/2008; R-4 02/09/2010; R-5 04/06/2010; R-6 07/22/2010; R-7 08/29/2011; R-8 01/31/2013; R-9 06/11/2014; R-10 09/02/2015; R-11 02/01/2016; **R-12 01/23/2017**

INTRODUCTION

Officers of the Durham Police Department shall use only the force reasonably necessary to achieve a lawful objective. When any officer uses physical force, a lethal or less-than-lethal weapon, or any force that results in injury, the details surrounding the use shall be reported by the officer(s) involved. The information contained herein is not "all inclusive" and is intended to be used as a reference to complement State and/or Department mandated Use of Force training.

DEFINITIONS

Physical Force - any actions or tactics used on a non-compliant, resistive, or assaultive subject, including, but not limited to, joint manipulation, pressure points, takedowns, strikes, less-than-lethal weapons and lethal weapons, including but not limited to the use of a firearm. Verbal communication, pursuit, control holds without torque or pain, and basic handcuffing techniques shall not constitute use of physical force for purposes of this policy.

Reasonable Belief - a belief based on a fair and sensible perception of the facts and circumstances, which accounts for the totality of the conditions present at the time that the perception was formed.

Compliance – describes subject behavior characterized by obedience to verbal direction and an absence of physical efforts to prevent control by a police officer.

Passive Non-Compliance – describes subject behavior characterized by a willful disobedience of verbal directions accompanied by an absence of physical efforts to prevent control by a police officer.

Active Non-Compliance – describes subject behavior characterized by willful disobedience to verbal directions and the presence of physical efforts to prevent control by a police officer.

Assaultive Non-Compliance – describes subject behavior characterized by physical efforts to strike, physically control or disrupt the balance and control efforts of a police officer.

Aggravated Assaultive Non-Compliance – describes subject behavior characterized by use of weapon and/or physical efforts to strike, physically control, or disrupt the balance and control efforts of a police officer in a manner that is likely to cause incapacitation, unconsciousness, and/or death.

Injury – damage to a person's body, usually accompanied by pain, produced by physical collision or movement and/or cardio-pulmonary damage related to physical exertion associated with physically resisting control. This includes minor injuries such as scrapes, abrasions and bruises. A subject's description of pain or discomfort alone in not considered an injury, but a subject's complaint of an injury such as a sprain or tear is considered an injury even when there are no visible signs.

Serious Bodily Injury – injury which results in a permanent or protracted condition that causes significant physical pain, significant permanent disfigurement, coma, permanent or protracted loss or impairment of the function of any bodily organ or member, and/or prolonged hospitalization.

Deadly Force - force that under the circumstance of its use is reasonably likely to cause death or serious bodily injury.

USE OF FORCE GUIDELINES

Officers of the Durham Police department must use force in accordance with relevant case law, N.C.G.S. § 15A-401 and this General Order. When an officer develops a reasonable belief that it is necessary to use force to achieve a lawful police purpose, they must use objectively reasonable force given the totality of the circumstances at the time. The standard of objective reasonableness is judged from the perspective of a reasonably well-trained police officer on the scene at the time of the incident. The amount and degree of force which may be employed in attaining the purpose will be determined by the totality of the circumstances including, but not limited to:

- The nature of the offense;
- The behavior of the subject against whom force is to be used;
- Actions by third parties who may be present;
- Physical conditions; and
- The feasibility or availability of alternative actions.

Officers are justified in using force upon another person when and to the extent the officer reasonably believes it necessary:

- To effect the detention of a person who he/she has reasonable suspicion to believe is about to commit, is committing or has committed a criminal offense;
- To prevent the escape from custody or to effect an arrest of a person who he/she reasonably believes has committed a criminal offense, unless he/she knows that the arrest is unauthorized; or
- To defend themselves or a third person from what he/she reasonably believes to be the use or imminent use of physical force.

USE OF FORCE OPTIONS

The force options available to officers are listed below. The list begins with the force options that are least likely to cause injury to officers and subjects. Each subsequent option has an increased likelihood to cause injury to officers and subjects:

- Officer Presence
- Verbal Direction
- Soft Empty Hand Techniques

- Aerosol Weapons/Chemical Munitions
- Leverage Weapons
- Stunning and Distraction Strikes
- Conducted Electrical Weapon (CEW)
- Hard Empty Hand Strikes
- Police Canine Bite
- Impact Weapons/Munitions
- Deadly Force/Firearms

Officer Presence

Officer Presence refers to the effect that the mere presence and appearance of a police officer has on a subject. It is recognized that the presence of more than one officer at an incident has a substantial effect in reducing the likelihood that subjects will be non-compliant.

Verbal Direction

Verbal Direction refers to any verbal attempt to gain compliance on the part of a police officer including direct commands and attempts to verbally deescalate a situation. Verbal Direction is typically used to facilitate control of compliant subjects and in conjunction with other levels of force to facilitate control of non-compliant subjects. Officers are encouraged to attempt to gain compliance through Verbal Direction whenever feasible, but are expressly permitted to use Physical Force when they reasonably believe it to be necessary and objectively reasonable.

Soft Empty Hands

Soft Empty Hands refers to physical contact that does not involve dynamic impact to include grabbing, holding, joint manipulations, pressure point techniques, takedowns and balance disruptions. These techniques are typically used to maintain control of compliant subjects or facilitate control of non-compliant subjects.

Joint manipulations include the Bent Wrist and the Straight Arm Bar. These techniques can both cause pain and enable the officer to gain physical control over a subject's movements.

Pressure points include the Mandibular Angle, the Hypoglossal and the Jugular Notch. These techniques are intended to cause the subject pain and should be accompanied by Verbal Directions.

Takedowns include the Arm Bar Takedown. This technique is intended to force a subject from a standing or seated position into a prone position on the ground. This technique is designed to enable an officer to gain physical control over a non-compliant subject.

Absent any specific training, officers are permitted to reasonably grab, push, trip and hold a subject in order to gain or maintain control.

Aerosol Weapons/Chemical Munitions

Aerosol Weapons refers to the use of a pressurized irritant such as CN, CS and/or OC that has the effect of pain and inflammation of the mucus membranes of a subject to include spraying a subject with Freeze+P. Aerosol weapons are typically used to facilitate control of a subject that is actively non-compliant or to prevent or stop

assaultive non-compliant behavior by a subject. The officer must be confronted with more than passive resistance.

Aerosol weapons primarily cause physiological effects including a burning sensation, inflammation of the mucous membranes, and involuntary closing of the eyes. The effects of aerosol weapons are usually temporary and will typically disappear within 45 minutes.

If a subject has been controlled through the use of an aerosol weapon, officers shall monitor the subject's breathing and consciousness, unless a law enforcement emergency prevents it. As soon as reasonable under the circumstances, officers shall decontaminate the affected prisoner by flushing the affected area with fresh water then exposing the area to fresh air. Beyond decontamination and the general guidelines for injuries, there is no special medical attention required for a prisoner exposed to an aerosol weapon.

Chemical Munitions refers to the use of specialty, hand-delivered munitions or projectiles that contain a chemical agent, typically used during a police response to civil unrest. For specific information about Chemical Munitions, refer to the Selective Enforcement Team Standard Operating Procedures Manual.

Leverage Weapons

Leverage Weapons refers to use of weapons, not involving dynamic impact, with slow pressure to include pressing baton against a motor nerve area and/or using a baton to facilitate control of a subject's arm. Leverage Weapons are typically used to facilitate control of a subject that is actively non-compliant.

The department issued expandable baton may be used as a leverage weapon or as an impact weapon.

Stunning and Distraction Strikes

Stunning and Distraction Strikes refers to the use of physical contact involving dynamic impact to specific areas of the body that are not likely to result in serious injury but are likely to result in a temporary disruption in focus, attention and/or physical function on the part of a subject. Stunning and Distraction Strikes are typically used to facilitate control of an actively non-compliant subject when Soft Empty Hands techniques alone are ineffective.

Stunning and Distraction Strikes include strikes with hands, elbows, knees or feet to muscle groups and nerve points such as the Brachial Plexus Origin, the Suprascapular and the Common Peroneal motor nerve points.

Conducted Electrical Weapons

Conducted Electrical Weapons (CEWs) refers to the use of a weapon capable of delivering energy to the subject by either propelling two probes attached to the unit into the subject, or by putting the unit in direct contact with the subject's body (drive stun mode). CEWs are typically used to prevent or stop assaultive non-compliant behavior by a subject or a subject who poses an imminent threat of physical injury to the officer, or a third party or to prevent or stop the imminent self-infliction of serious physical injury or death, if not immediately apprehended. CEWs should not be used to merely prevent the escape of a non-assaultive suspect who poses no such risk.

When used in probe mode, the CEW is capable of causing neuro muscular incapacitation (NMI). The resulting loss of muscle control is temporary and will subside immediately upon completion of the discharge. Drive stun mode is a pain compliance technique only and does not cause NMI unless performed in conjunction with the probe mode.

Removal of probes in non-sensitive areas may be done by officers according to probe-removal training guidelines. Officers, or other trained personnel, will provide first aid following removal of the probes as needed. Medical personnel (such as EMS) shall remove probes located in sensitive areas. In the event that a probe barb has broken off and is still embedded in a subject's skin, the subject shall be provided medical attention to facilitate the removal of the object. Beyond probe removal and the general guidelines for injuries, there is no special medical attention required for a subject controlled by a CEW.

Due to the increased risk of unintentional injury, the use of a CEW should be avoided on the following groups of people unless exigent circumstances exist:

- Elderly persons who are reasonably believed to be 65 years or older;
- Women who are reasonably believed to be pregnant;
- Visibly frail persons;
- On any person who has been handcuffed, hobbled, or otherwise physically bound;
- On any person who is in control of a vehicle that is in gear or in motion;
- On any person who is actively running or operating a wheeled conveyance;
- On any person's head, neck, or genitalia;
- On any person who is in a position or location which creates the likelihood for additional injury other than those created by the effects of the CEW.

The CEW will NOT be used under the following circumstances:

- On a person who is being actively sprayed with any aerosol weapons.
- In the proximity of known flammable liquids, gases, or any other highly combustible materials that may be ignited by the device including any individual that may have been exposed to highly combustible materials and/or liquids such as gasoline.
- On a passively resisting individual who does not pose an imminent threat to the officer or a third party.

Hard Empty Hands

Hard Empty Hands refers to the use of physical contact involving dynamic impact to include punches, kicks, elbow strikes and head butts. These techniques should be used against the part of the subject's body that is most accessible and that is likely to be most effective. Hard Empty Hand techniques are typically used to stop assaultive non-compliant behavior by a subject.

Police Canine Bite

Police Canine Bite refers to the use of physical contact involving a police canine to include a bite and hold by the canine at the direction of a canine handler. A Police Canine Bite is typically used to facilitate control of an actively non-compliant subject that poses a threat to others.

For specific information about Police Canine, refer to G.O. 4026 *Canine Operations.*

Impact Weapons/Munitions

Impact Weapons refers to the use of weapons involving dynamic impact such as striking a subject with a baton. Impact Weapons are typically used to prevent or stop assaultive non-compliant behavior by a subject.

When used as an impact weapon the baton is capable of delivering powerful blows to stun and/or temporarily disable an assaultive non-compliant subject. Officers should strike the part of the subject's body that is being used to assault the officer or a third party. In the case of a subject attempting to punch an officer, the appropriate target would be the subject's arms. In addition to the department-issued expandable baton, other items at hand may be employed as an impact weapon, such as the Department issued flashlight. Officers using other objects as impact weapons must be prepared to substantiate their decisions.

Impact Munitions refers to the use of specialty Impact Munitions such as the Defense Technologies 40mm Exact Impact Munition. These Impact Munitions are designed to deliver blows that will stun and/or temporarily disable a subject. Impact Munitions are designed to be used against a subject that is assaultive and non-compliant. For specific information about Impact Munitions, refer to the Selective Enforcement Team Standard Operating Procedures Manual.

Beyond the general guidelines for injuries, there is no special medical attention required for the use of an impact weapon.

** NOTE: Intentionally striking another person on the head, genitals, solar plexus, kidneys, or the spinal column when utilizing an impact weapon constitutes a use of deadly force and must be justified as such.

Deadly Force

Officers are justified in using deadly physical force upon another person when it is or appears to be reasonably necessary thereby:

- To defend themselves or a third person from what the officer reasonably believes to be the use or imminent use of deadly physical force;
- To effect an arrest or to prevent the escape from custody of a person whom the officer reasonably believes is attempting to escape by means of a deadly weapon, or by their conduct or any other means indicates that they present an imminent threat of death or serious physical injury to others unless apprehended without delay.

Deadly Force may be applied:

- Through the use of empty hand techniques such as intentionally striking a subject's eyes or throat;
- Through the use of an Impact Weapon when an officer intentionally strikes a subject on the head or neck;
- Through the use of a Firearm;
- Through the use of a motor vehicle to engage in a legal intervention to stop a vehicle in accordance with G.O. 4019 – *Vehicle Pursuits*.

**NOTE: Chokeholds are considered a use of deadly physical force. Officers of this department are not trained in the use of chokeholds and therefore, are prohibited from utilizing them unless the use of deadly force is reasonable under the circumstances.

LETHAL AND LESS-THAN-LETHAL WEAPONS

The application of force includes a wide range of alternatives, some requiring the use of either lethal or less-than-lethal weapons. To this end, the department issues weapons and ammunition which may be used by the officer to protect themselves or others or to gain control of non-compliant or assaultive individuals in arrest or other enforcement situations.

Only those weapons and/or ammunition issued by the department or approved for use by the Chief of Police, either lethal or less-than-lethal, shall be authorized for use by officers of this department. Any deviation from this policy will cause the initiation of disciplinary procedures against those officer(s) involved.

No weapon shall be issued for field use until the officer has been issued a copy of this General Order, received training in the contents of this G.O. and demonstrated an acceptable level of proficiency in its use. The desired level of proficiency shall be in accordance with standards established by the North Carolina Criminal Justice Education and Training Standards Commission and the Durham Police Department's Training Division. An appropriately certified weapons instructor or armorer will inspect all weapons prior to issuing them and monitor proficiency on each lethal and less-than-lethal weapons.

RENDERING APPROPRIATE MEDICAL AID TO THE INJURED

In conjunction with their Basic Law Enforcement Training, officers of this Department are certified as First Responders. As such, they are provided with the basic knowledge and skills to recognize medical emergencies and sustain life, reduce suffering, and prevent further serious complications by the use of prompt, effective measures until professional medical care is available.

When an officer inflicts injury upon another person that appears to result in a life threatening emergency, they shall request emergency medical assistance as soon as reasonably possible. While waiting for the emergency medical assistance to arrive, officers on the scene, assuming they are not incapacitated themselves, will provide whatever medical aid they can commensurate with their training.

When an officer inflicts injury upon another person that does not appear to result in a life threatening emergency, based on their first responder training, they shall make an immediate assessment of the injuries involved. Officers may then use their discretion in determining:

- If any medical attention is required at all. If there exists any doubt in an officer's mind or if the person requests medical treatment and/or is complaining of pain, etc., medical attention will be provided;
- If EMS should respond to the scene to evaluate the Injury.

Officers will not use force for the purpose of assisting medical personnel in administering nonconsensual medical treatment unless the subject is under arrest or otherwise in the custody of Law Enforcement by way of an Order of the Court.

PUBLIC SAFETY ISSUES & SPECIAL CONSIDERATIONS

Foot Pursuits

A subject attempting to flee from an officer represents active non-compliance. Any injury that a subject causes to themselves while fleeing, absent any physical contact or intervention from the officer, does not represent a Use of Force and should be documented as an Injury to Citizen (e.g. subject runs into a clothesline, trips and falls down a hill, or is struck by a vehicle). Any injury that a subject incurs due to physical contact from an officer represents an injury as a result of a Use of Force (e.g. such as being pushed and falling down and receiving scrapes and abrasions) and must be documented as a Use of Force.

Destruction of Evidence

A subject attempting to destroy evidence by swallowing it represents non-compliance and may constitute an additional violation of law. It is the policy of the Durham Police Department to not use physical force to prevent this act from occurring. Officers are prohibited from using pain compliance, strikes, aerosol

weapons/munitions, CEWs or other physical force to prevent the destruction of evidence, such as swallowing/attempting to swallow drugs, unless there is a reasonable belief that the destruction of evidence would pose a threat of serious bodily injury or death to the individual. The officer should treat the situation as a medical issue and either request EMS respond to the scene or transport the subject to the hospital for evaluation. Should the officer decide to pursue seizure of the evidence, he/she should apply for a search warrant and transport the subject to a medical facility, keeping in mind that there is no requirement that any medical professional must assist with seizing the evidence. Refer to G.O. 4068 – *Strip & Body Cavity Searches.*

Positional Asphyxia

At no time should an individual be left on their stomach or hog-tied, as this can lead to positional asphyxia. Officers will transport individuals in an upright position with the seat belt buckled, whenever reasonably possible.

Warning Shots

Warning shots pose an unreasonable danger to officers and citizens alike; therefore, warning shots by officers of the Durham Police Department are strictly forbidden.

Firing at Moving Vehicles

Firing at moving vehicles is prohibited except in those situations where the immediate probability of serious injury or death exists for the officer(s) and/or an innocent third party. Officers must reasonably believe that the only means of protecting themselves or a third party in this situation is the use of deadly force.

Drawing and/or Pointing a Firearm

Drawing and/or pointing a firearm is strictly forbidden except when required in the performance of an officer's official duties. The act of drawing and/or pointing a firearm when required in the performance of an officer's official duties does not constitute a Use of Force by this policy. When officers perceive a potential deadly threat, they may draw their firearms in order to reduce their reaction time and to enable them to make more effective and accurate judgements about the use of deadly force.

Drawing/Pointing/Discharging and/or Activating Aerosol Weapon or CEW

Drawing, pointing, discharging, and/or activating any aerosol weapon or CEW is strictly forbidden except when required in the performance of an officer's official duties. The act of drawing and/or pointing an aerosol weapon or CEW when required in the performance of an officer's official duties does not constitute a Use of Force by this policy. When officers perceive a potential threat they may draw their aerosol weapon or CEW in order to reduce their reaction time and enable them to make more effective and accurate judgements about the use of force.

Use of Weapons to Kill Animals

The killing of an animal is justified if one of the following situations exists:

- Need for self-defense.
- To prevent substantial harm to another person.
- When the animal is so badly injured that compassion requires its relief from further suffering.
- When a police canine handler determines that the animal poses a threat of death or serious physical injury to the handler's canine.

USE OF FORCE REPORTING

When a Use of Force Report is NOT Required

Although the circumstances will be documented in the Incident Report, a separate Use of Force report is not required in the following circumstances:

- Use of non-physical force and no injury to citizen;
- Use of Soft Empty Hand Techniques or Leverage Weapon Techniques with no apparent injury to citizen, unless the citizen claims injury;
- When an individual is injured due to his/her own actions absent any physical contact or intervention from an officer; however, officers must notify their supervisor of the injury and the circumstances in an Incident Report. Supervisors will complete an Injury to Citizens Report utilizing the Blue Team Software and submit same to the Professional Standards Division for review.

As soon as reasonably possible, but within twenty-four (24) hours of the initiating incident, the supervisor will generate the Injury to Citizen Report in Blue Team and at minimum include the following known information:

- Incident Details (include date, time, location and IR#)
- Brief Summary (not the full investigation, just a brief overview)
- Individuals involved (both officers and citizen's)

Supervisors will have five (5) calendar days to prepare and submit the final Injury to Citizen Report to their Chain of Command. Requests for additional time must be approved by the Professional Standards Commander or designee prior to the 5th day. Failure to initiate or complete an Injury to Citizen Report in accordance with the above time frames may constitute a violation of G.O. 4028 – *Report Writing.*

When a Use of Force Report IS Required

Unless otherwise specified by department policy, officers will immediately notify the district or duty supervisor and a Use of Force Report will be submitted whenever an officer:

- Uses any force that results in an injury;
- Uses physical force (other than Soft Empty Hand Techniques or Leverage Weapon Techniques), a lethal or less-than-lethal weapon;
- Deploys a police canine; or
- Intentionally discharges a firearm on- or off-duty, regardless of whether it results in injury, and for reasons other than training or approved Departmental programs.
- Utilizes deadly force through the use of a motor vehicle to engage in a legal intervention to stop a vehicle in accordance with G.O. 4019 – Vehicle Pursuits.

All officers involved are required to document a use of force in the narrative of their incident report/supplemental report. In the case of Officer Involved Shootings, In-Custody Death Investigations or other investigations whereby an outside agency (e.g. State Bureau of Investigation) has been requested to conduct the Criminal Investigation or the officer(s) actions, the involved officer(s) must document and submit a Supplemental Narrative as soon as reasonably possible.

Unless otherwise provided for in this policy, the Use of Force Report and investigation shall be completed by the sergeant, or corporal, on-duty in the district where the incident occurs. This shall apply to all such investigations regardless of where the particular officer is assigned. For example, if a G.R.E.A.T. officer is

working in an off-duty capacity at a restaurant in District 2 and has to pepper spray a violator, then Car 200 shall complete the Use of Force investigation and report. If Car 200 is not available, then the Watch Commander shall complete the Use of Force investigation and report.

Supervisors are required to document their investigation via the Blue Team software. As soon as reasonably possible, but within twenty-four (24) hours of the initiating incident, the supervisor will generate the Use of Force Report in Blue Team and at minimum include the following known information:

- Incident Details (include date, time, location and IR#)
- Brief Summary (not the full investigation, just a brief overview)
- Use of Force Details section
- Individuals involved (both officers and citizen's)

All applicable fields will be completed in the system. If character limitations prevent the supervisor from entering their investigative narrative, the narrative will be completed separately and uploaded into Blue Team by the supervisor. Supervisors are responsible for ensuring that the following items, when applicable, are uploaded into Blue Team prior to submitting the report:

- Narrative that includes identification of the involved parties and actions they took regarding the investigation.
- Any supporting documentation such as statements or photographs of officers, subjects, weapons and/or injuries shall be collected and submitted to Professional Standards as in any other investigation. If the supervisor is able to, those items should be uploaded directly into the system. If the information cannot be uploaded into Blue Team, it will be forwarded to the Professional Standards Division.
- When an officer utilizes a CEW in the performance of their duties, the investigating supervisor shall download the firing log of the incident from the officer's CEW to the CEW computer terminal. This information shall be uploaded into Blue Team as supporting documentation.

Supervisors will have five (5) calendar days to investigate, prepare and submit the final Use of Force Report to their Chain of Command. Requests for additional time must be approved by the Professional Standards Commander or designee prior to the 5th day. Failure to initiate or complete a Use of Force Report in accordance with the above time frames may constitute a violation of G.O. 4028 – *Report Writing.*

In the event of an officer involved shooting or in-custody death, officers must refer to G.O. 4067 - *Officer Involved Shootings & In-Custody Deaths*. If an investigator from the Internal Affairs Division responds to the scene to investigate a Use of Force incident, the IA investigator will be responsible for completing the Use of Force Report in accordance with requirements stated herein.

In instances where the officer's Department issued handgun is needed for evidentiary purposes and the officer is not placed on administrative leave, the Professional Standards Division will supply the officer with a replacement weapon.

**NOTE: No copies (paper/electronic) or printouts are to be made of the Use of Force Report except as deemed necessary by members of the Professional Standards Division.

Reporting and Documentation of Accidental Discharge of a Firearm or CEW without Causing Injury to Others

Officers involved in an accidental discharge of a firearm or CEW will comply with G.O. 4009 - *Firearms & CEW Discharge Reports*.

Documentation of Animals and the Discharge of a Firearm or CEW

Officers involved in a firearm or CEW discharge against an animal will comply with G.O. 4009 - *Firearms & CEW Discharge Reports*.

REVIEW OF REPORTS

Use of Force Reports will reviewed as indicated in G.O. 1014 - *Internal Affairs*.

In addition, the Professional Standards Division will conduct an annual analysis of use of force cases in an attempt to identify trends or patterns that may indicate training needs and/or policy adjustments. The analysis will be forwarded to the Chief of Police.

TRAINING REQUIREMENTS

The department's Training Division will conduct mandatory training for all officers on use of force issues as follows:

- Training on Department's use of force policy will occur annually;
- Training and/or qualification on lethal weapons and conducted electrical weapons will occur annually;
- Refresher training for all other less-than-lethal weapons and subject control techniques will occur biennially.

All recertification sessions will be facilitated by certified instructors, and will include a lecture and a written and/or practical examination. Officer's intending to carry the CEW will be required to submit to the effects of the weapon during training.

Cerelyn J. Davis
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4009 R-3**

FIREARMS & CONDUCTED ELECTRICAL WEAPONS DISCHARGE REPORTS

Effective Date: *Initially (Aerosol Weapons) – 12/15/1995*, Reassignment – 01/31/2013	Revision Dates: Initially – R-1 01/10/2005; Rescinded 04/21/2008; Reassigned 01/31/2013; R-1 06/11/2014; R-2 01/26/2016; **R-3 01/23/2017**

INTRODUCTION:

It is the policy of the Durham Police Department to ensure that all members of the agency, whether on- or off-duty, are required to handle all firearms and conducted electrical weapons (CEWs) in a safe and responsible manner. Any intentional discharges of a firearm or CEW, with the exception of use against an animal, must be reported in accordance with General Order 4008 – Use of Force. For incidents not reported in accordance with General Order 4008 – Use of Force, the following procedures apply.

ACCIDENTAL DISCHARGE OF FIREARMS OR CEWS WITHOUT CAUSING INJURY TO OTHERS:

Whenever an officer discharges his or her firearm or CEW in a circumstance unrelated to taking an enforcement action, the following steps shall be taken:

- The officer shall immediately notify his or her supervisor;
- The officer shall complete an Incident Report and submit same to his or her immediate supervisor;
- The officer's Commander shall ensure that a Firearms Discharge Report and a Performance Review are completed;
- The completed Performance Review shall be submitted to the Professional Standards Division via Blue Team;
- If the discharge is from a firearm, and there is a possible defect in the weapon, the officer will deliver the weapon to the Department Armorer the next business day to be assessed for defects.

Some examples of when the aforementioned procedures should be followed include but are not limited to: accidental discharges while cleaning the weapon; accidental discharges while involved in a foot chase; accidental discharges while attempting to holster the weapon; accidental discharges while spark testing the CEW; etc. In such cases, a Use of Force Report is not necessary. This directive is applicable within and outside of our jurisdiction.

Any discharges that result from an action that is an intentional application of force, such as having the weapon trained on a violator, or an accidental/unintentional discharge that causes injury to a person will be investigated as a Use of Force pursuant to General Order 4008 – *Use of Force*.

A firearm or CEW discharge ruled as an accident, without causing injury to others, will not constitute a use of excessive force for the individual.

ANIMALS AND THE DISCHARGE OF A FIREARM OR CEW

Whenever an animal is subjected to a firearm or CEW discharge, other than for the purposes of humane euthanasia, the same reporting procedures described above for accidental discharges will be followed. Examples include: discharge that takes place as a means of self-defense against a vicious animal, defending others from a vicious animal attack, or to protect a police canine from attack. If the discharge of a firearm or CEW is for the humane euthanasia of an animal, the completion and submission of an incident report is not required. The documentation of the discharge will be satisfied by submitting a Blue Team "Firearm Discharge".

PROFESSIONAL STANDARDS REVIEW

Whenever an officer discharges his or her firearm or CEW in a circumstance described in this policy, the Professional Standards Division will evaluate the Performance Review pertaining to the circumstances of the accidental discharge to determine if there were any policy or procedural violations. Officers may be subject to discipline if it is found that an accidental discharge was due to a policy/procedural violation, carelessness or recklessness of the officer.

Cerelyn J. Davis
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4010**

ELECTRONIC WEAPONS - RESCINDED

Effective Date: 12/15/1995	Revision Dates: Rescinded 08/01/2001

On August 1, 2001 this general order was rescinded. The use of electronic weapons was discontinued until 2008. The use of electronic weapons was incorporated into G.O. 4008 on April 21, 2008.

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4011 R-2**

SPECIAL PROCESSING REQUIREMENTS

Effective Date: 12/15/1995	Revision Dates: R-1 01/10/2005; **R-2 12/31/2014**

INTRODUCTION

It is the policy of this Department to take into account certain factors such as age, residency, military status, foreign citizenship, etc. in enforcing and processing violations.

NONRESIDENTS

Officers should consider use of warnings for nonresidents from outside the Triangle area who are simply passing through the city and commit a minor, non-hazardous violation. If an officer determines that a citation and/or physical arrest is necessary based on the existing circumstances, G.O. 4040 Traffic Law Enforcement under "Enforcement Action" section shall be followed.

ELECTED OFFICIALS

There is no North Carolina law that exempts any state or local official, either appointed or elected, from federal, state, or local laws. The issuance of a traffic citation, a warning ticket, a verbal warning or physical arrest, in those cases where a physical arrest is authorized, is permitted.

MILITARY PERSONNEL

Military personnel whose permanent residence and/or permanent duty station is located outside the state of North Carolina shall be treated as nonresidents.

FOREIGN DIPLOMATS AND CONSULAR OFFICIALS

International law requires that law enforcement authorities extend certain privileges and immunities to members of foreign diplomatic missions and consular posts. The underlying concept is that foreign representatives can carry out their duties effectively only if they are accorded a certain degree of insulation from the application of standard law enforcement practices of the host country. It is important to remember that the United States benefits greatly from this concept as it protects U.S. diplomats assigned to countries with judicial systems far different than our own. Thus, even if suspected of being involved in criminal misconduct, officers should extend the maximum degree of respect possible to the foreign mission or consulate post as handling of incidents in this country may have a direct effect on the treatment of U.S. personnel abroad.

The staff of diplomatic missions are afforded the highest level of privileges and immunities; however, there are different categories of persons within each diplomatic mission, some of whom enjoy greater immunities than

others. In addition, consular personnel, international organization personnel, and national missions to such organizations may also have a very limited level of privileges and immunities. The majority of foreign diplomatic and consular personnel have, to some degree, personal inviolability which means they may not be handcuffed, detained, or arrested (see traffic enforcement exceptions below), nor may their residences, automobiles, or other property be entered or searched.

VERIFICATION OF CONSULAR/DIPLOMATIC IMMUNITY

When an officer is investigating a criminal incident and encounters a person who claims diplomatic or consular immunity, the officer should first verify the status of the suspect. The officer shall request that the individual produce his or her identification card issued by the U.S. Department of State's Office of Protocol, or by the U.S. Mission to the United Nations. These are the only authoritative identity documents. There are three types of identification cards issued by the U.S. Department of State:

- Diplomatic (blue border for diplomats),
- Official (green border for embassy employees), and
- Consular (red border for consular personnel).

The cards are 3 7/16" x 2 3/16" and contain a photograph of the bearer, the bearer's name, title, mission, city and state, date of birth, identification number, expiration date, and a U.S. Department of State seal. A brief statement of the bearer's immunity is printed on the back of the card. In the event of a serious incident, if the individual claims to have newly arrived and not yet been issued his or her identity documents, when the individual claims immunity and attempts to provide other proof of privileges and immunities which is not conclusive (such as a foreign diplomatic passport, a U.S. diplomatic visa, federal automobile registrations, distinctive license plates, etc.), or in any case where there is reason to doubt the validity of the card, officers should immediately seek verification by calling (202) 647-1985 or (202) 647-1727 during business hours (8 a.m. – 5 p.m.) or 1-866-217-2089 after business hours. To verify the immunity of United Nations personnel, call (212) 415-4168, (212) 415-4407 or (212) 515-4131 during business hours, or (212) 415-4444 after business hours.

OFFICER ACTIONS AFTER VERIFICATION

If the suspect enjoys personal inviolability, he or she may not be handcuffed (except if the individual poses an immediate threat to safety), detained or arrested (see traffic enforcement exceptions below). Once this status is confirmed, the individual must be released and the Watch Commander and Deputy Chief of Operations will be notified through the chain of command to ensure that all notifications and forwarding of paperwork is completed.

The officer should then prepare any reports required by department policy. A copy of the incident report should be faxed or mailed as soon as possible to the U.S. Department of State in Washington D.C., or to the U.S. Mission to the UN in New York in cases involving the UN community. Detailed documentation is essential for the U.S. Department of State to take appropriate action.

A brief detention for purposes of issuing a traffic citation for a moving violation is permitted. A copy of the citation and any other documentation regarding the incident should be forwarded to the U.S. Department of State as soon as possible but not more than 48 hours.

In cases of suspected DWI, standard field sobriety tests should be offered and the results fully documented. The taking of these tests may not be compelled. If the officer reasonably believes the individual is impaired and may not drive safely, the officers should not permit the individual to continue to drive. The officer may: with the

individual's permission, take the individual to a location where he or she may recover sufficiently to drive; may request a friend or relative to drive; or may provide or arrange for transportation for the individual. The property, including the vehicle, of a person enjoying personal inviolability may not be searched or seized except that the vehicle may be towed only the distance necessary to remove it from obstructing traffic.

In serious cases, such as DWI, personal injury and accidents, officers shall notify the U.S. Department of State by calling (202) 895-3521 during business hours, or (866) 217-2089 after business hours. The Deputy Chief of Operations will also be notified immediately via the chain of command.

The United States Department of State provides further detailed guidance to law enforcement officials related to diplomatic and consular immunity, including up-to-date telephone and fax numbers, on their website.

ARRESTS AND DETENTION OF FOREIGN NATIONALS

International law requires the United States to comply with certain obligations when a foreign national is detained or arrested. These are mutual obligations that also apply to foreign authorities when they detain or arrest U.S. citizens abroad.

A foreign national is any person who is not a U.S. citizen. A person's immigration status is irrelevant. For example, aliens who are lawful permanent residents in the United States and who have a "green card" are foreign nationals, as are undocumented or "illegal" aliens.

Consular notification obligations are triggered when there is an arrest or a detention that results in a foreign national being held for more than a few hours so that his or her ability to communicate with consular officers is impeded as a result of government officials limiting the foreign national's freedom. A brief traffic stop, a detention resulting in a citation, or a brief detention in which a foreign national is questioned and then allowed to resume his or her activities does not trigger the consular notification requirements. On the other hand, arresting a foreign national and transporting him or her to the magistrate's office and/or jail, or requiring a foreign national to accompany law enforcement to a law enforcement facility if the detention lasts for several hours, will likely trigger the consular notification requirements.

If consular notification obligations are triggered, the detaining/arresting officer shall, as soon as reasonably possible and by the time of booking, attempt to determine the foreign national's country. If the foreign national possesses a passport, it may be assumed that this is the country which issued the passport. Absent citizenship documentation or other evidence to the contrary, the officers should accept the foreign national's own statement as to his or her nationality.

MANDATORY NOTIFICATION

The officer shall then determine whether or not this country is a mandatory notification country. If the foreign national's country is not on the list of mandatory notification countries, he or she is from an "upon request" country. Mandatory notification countries may be found on the U.S. Department of State's website at http://travel.state.gov/CNA.

For foreign nationals whose country is on the list of mandatory notification countries, the detaining/arresting officer shall notify the nearest consulate of the foreign national's country via fax as soon as reasonably possible and prior to the end of the officer's shift. The Consular Notification Form (attachment 1) shall be used for this purpose. Contact information for consulates may be found at http://travel.state.gov/CNA. The consulate is to be notified even if the foreign national does not want notification. The officer shall then inform the foreign national that his or her consulate has been notified. Sample statements are available in several languages at the same

website. Attach the fax and fax confirmation sheet to the Incident Report (Code 1 initial or supplement) or the Arrest Report (Code 4).

For foreign nationals whose country is not on the list of mandatory notification countries, as soon as reasonably possible but no later than booking, the detaining/arresting officer shall inform the foreign national that he or she may have his or her consular officers notified of the detention or arrest. Sample statements are available in several languages at the website identified above. The officer shall note in his or her report, the date and time that the foreign national was informed of his or her consular rights and the foreign national's decision. If the foreign national requests notification, the officer shall notify the nearest consulate of the foreign national's country, utilizing the Consular Notification Form (attachment 1), as soon as reasonably possible and prior to the end of the officer's shift. Contact information for consulates is available at the website referenced above. Attach the fax and fax confirmation sheet to the Incident Report (Code 1 initial or supplement) or Arrest Report (Code 4).

Consular officials and diplomats visiting a detained foreign national shall be given the same access privileges as an attorney visiting a client. Consular officers and diplomats should have an identification card issued by the U.S. Department of State. If there is reason to doubt the authenticity of an identification card, the U.S. Department of State may be contacted at (202) 647-1985 during business hours (8 a.m. – 5 p.m.) or at (866) 217-2089 after hours.

The U.S. Department of State provides detailed instructions and guidance to law enforcement officials related to foreign nationals and their rights to consular notification and access at http://travel.state.gov/CNA. This site includes the most up-to-date contact information for foreign embassies and consulates within the United States as well as other reference materials.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4012 R-2**

CHECKING STATIONS

Effective Date: 12/15/1995	Revision Dates: R-1 03/07/2007; **R-2 09/28/2011**

INTRODUCTION

Checking stations may be established and operated for the primary purpose of ensuring compliance with North Carolina state laws related to drivers' licenses, vehicle registration and insurance, impaired driving, seatbelts, and child restraint systems.

PLANNING AND SUPERVISORY APPROVAL

The establishment of all motor vehicle law checking stations shall require prior approval by a Corporal, or above.

A supervisor shall be on the scene of any checking station established for the primary purpose of ensuring compliance with the laws related to impaired driving.

No checking station shall be conducted without at least two uniformed officers present and at least two vehicles equipped with emergency lighting.

An officer shall be designated in advance for purposes of establishing and supervising the operation of the checking station.

All officers participating in a checking station shall be briefed on the establishment and operation of the particular checking station, as well as the officer's responsibilities during its operation.

PLACEMENT OF CHECKING STATION

The placement of motor vehicle law checking stations should be random or statistically indicated. However, officers should note for courtroom purposes that this particular guideline is not grounds for a motion to suppress or a defense to any offense arising out of the operation of a checking station.

The site for every checking station shall be selected with due regard for the safety of motorists and officers operating the checking station. Checking stations should not be established in areas: where visibility is restricted, such as on a hill crest or in a curve; or where traffic is or could reasonably be expected to become highly congested.

Efforts should be made to utilize areas: with straight stretches of roadway with limited adjoining roads which may be used to avoid the checking station; and where vehicles may reasonably be anticipated to be safely pulled over and parked without interference to oncoming traffic.

CHECKING STATION PROCEDURES

Officers will wear the Department's full duty uniform, including reflective traffic vests, at all times while participating in the checking station.

At a minimum, one patrol vehicle on each side of the checking station shall have its blue lights activated during the time that the checking station is held. Officers should consider the use of flashlights and other available emergency lighting if visibility is otherwise limited.

Every vehicle approaching the checking station shall be required to stop.

The driver's license and the vehicle registration shall be requested for every vehicle stopped for motor vehicle law checking stations.

If traffic at the checking station becomes congested to the point that it appears to a reasonable officer that continuing to stop every vehicle may create a hazard to the officers, pedestrians or motorists, or an unreasonable delay for the public, then the officer designated as supervising the operation of the checking station may allow all vehicles to pass through the checking station without having to stop until the checking station can again be started safely and without unreasonable delay. Nothing in this subsection shall be construed however to prevent an officer with reasonable suspicion from stopping any particular vehicle. Once the operation of the checking station is resumed, every vehicle approaching the checking station shall be stopped, and the driver's license and vehicle registration shall be requested for every vehicle stopped.

An officer, who determines that there is reasonable suspicion that a driver or occupant of a vehicle has violated any provision of law, may detain the individual to further investigate in accordance with the law.

The operator of any vehicle stopped at a checking station established under this subsection may be requested to submit to an alcohol screening test under G.S. 20-16.3 if during the course of the stop the officer determines the driver had previously consumed alcohol or has an open container of alcoholic beverage in the vehicle. The requesting officer shall consider the results of any alcohol screening test or the driver's refusal in determining if there is reasonable suspicion to investigate further.

INFORMATIONAL CHECKING STATIONS

Checking stations may be established for the primary purpose of seeking assistance from the public in providing information about a crime. Informational checking stations should adhere to the following guidelines:

Planning and Supervisory Approval

Establishment of an informational checking station shall require the prior approval of a Corporal, or above.

When determining whether to allow the establishment of an informational checking station, the supervisor shall consider:

- The seriousness of the offense being investigated;
- How recently the crime being investigated occurred;
- The likelihood that persons passing through the checking station might possess information useful to the investigation;
- The efficiency and anticipated effectiveness of the checking station as opposed to other less intrusive methods for soliciting information such as placing flyers on vehicles parked in nearby public places, canvassing nearby businesses or neighborhoods, etc.

The placement of an informational checking station should be in close proximity to the location of the crime being investigated or in a location in which it could reasonably be anticipated that persons with information relevant to the investigation might pass.

Informational Checking Station Procedures

In addition to the procedures for all checking stations, informational checking stations shall also abide by the following guidelines:

- An officer shall briefly explain to the operator of the vehicle the reason for the checking station and solicit information related to the crime being investigated either orally or with the aid of written materials such as a flyer or bulletin.
- If written materials are distributed, the Corporal, or higher ranking supervisor who approved the establishment of the checking station shall ensure that the written material is accurate and factual.

TRAFFIC STOP REPORTS

In accordance with G.S. 114-10.01 and General Order 4074, officers do not need to complete an SBI-122 Form (Traffic Stop Report) for each vehicle systematically stopped as part of a motor vehicle law or informational checking station. However, a Traffic Stop Report Form must be completed for any vehicle detained upon reasonable suspicion during the operation of the checking station.

MULTI-AGENCY CHECKING STATIONS

Officers from other agencies providing assistance to the Durham Police Department shall, for purposes of operating and participating in a checking station, operate under the guidelines of the Durham Police Department for establishing and conducting checking stations. Officers of the Durham Police Department providing assistance to another law enforcement agency shall, for purpose of operating and participating in a checking station, operate under the requesting agency's guidelines for establishing and conducting checking stations. Officers of the Durham Police Department shall ensure that the requesting agency's written guidelines meet, at a minimum, the statutory requirements found in N.C.G.S. 20-16.3A before providing assistance with a motor vehicle law checking station. Assistance provided to or from the Durham Police Department that is outside either agency's standard jurisdiction shall be in compliance with all applicable laws and the Durham Police Department's policies regarding mutual assistance.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4013 R-5**

TRAFFIC COLLISION INVESTIGATION

Effective Date: 12/15/1995	Revision Dates: R-1 04/15/2001; R-2 09/01/2002; R-3 12/05/2003; R-4 01/10/2005; **R-5 12/17/2013**

INTRODUCTION

The Durham Police Department performs a variety of traffic collision investigation functions, including, but not limited to, providing emergency service to the injured, protecting the collision scene, conducting collision investigations in conjunction with N.C.G.S. § 20-166.1, conducting follow-up investigations, and preparing reports and related citations and/or warrants.

DEFINITION

A motor vehicle collision is defined as any event that results in unintended injury or property damage, attributable directly or indirectly to the motion of the motor vehicle or the load carried by that vehicle.

In any instance where this General Order references the North Carolina Department of Motor Vehicles Form 349, Traffic Collision Report, either the paper form or an electronic equivalent shall be employed.

RESPONSE AND GENERAL RESPONSIBILITY

The Durham Police Department will respond to the scene of all motor vehicle collisions that occur within the Department's jurisdiction that involve any of the following:

* death or injury;
* hit and run;
* impairment of an operator due to alcohol or drugs;
* damage to public vehicles or property;
* hazardous materials;
* disturbances between persons involved;
* major traffic congestion as a result of the collision;
* damage to vehicles to the extent towing is required;
* a request for an investigation by any party to a collision.

Upon dispatch to the scene of a motor vehicle collision, responding officers will use the following procedures:

* If the collision involves personal injury, a code 3 response is required.

* Responding officers should plan the quickest route in order to arrive at the scene safely. Existing traffic conditions may dictate a route that may not necessarily be the shortest route.
* If an incident occurs on an interstate/freeway, whenever possible, officers should utilize the attached Highway Incident Management Parking Guideline (Attachment 1). Basically, this calls for the Motorist Assistance Patrol (MAP) truck to be in the rear creating a safety work zone with its arrow board. Then the wrecker, police, EMS, and fire will line up in front of the MAP unit. This placement will keep the maximum number of lanes open and facilitate the exit of the units as they complete their assignments. Officers on the scene will be free to clear once their investigation is complete, as the MAP truck will remain on the scene until the roadway is cleared.
* The first officer at the scene must observe and evaluate the type and amount of assistance required. He or she is in charge of scene management until relieved by higher authority or by the investigating officer. Medical assistance is, under most circumstances, the number one priority. The initial responding officer(s) shall render whatever medical attention he or she is capable of until and even after the arrival of emergency medical technicians. Officers may even solicit the assistance of bystanders to aid in stabilizing victims or to relieve the officer's position so that the officer may tend to other matters relating to the investigation. However, traffic control may be first required in order to prevent further injury. Requests for additional units will be made as soon as possible. Sufficient numbers of personnel should be summoned in order to safely investigate the collision.
* In the event of a fire, officers will make every effort to remove victims from possible fire exposure. Officers will also utilize the patrol vehicle equipped fire extinguisher to suppress and monitor the fire until fire units arrive.
* The investigating officer will determine witnesses, vehicle operators, and other individuals involved to be interviewed. When interviews of witnesses are conducted the collision investigator must:
    - separate operators and witnesses if possible so they do not become involved in any type of disturbance or influence each other;
    - obtain statements from all operators and witnesses;
    - ensure that any witnesses are not unnecessarily delayed;
    - assist victims in contacting family members when necessary.
* The investigating officer must identify physical evidence and arrange for vehicle removal. The collision scene should be cleared as soon as possible.
* The investigating officer will ensure that the exchange slips are filled out completely and given to the drivers (and/or owners) of the vehicles.
* The investigating officer will prepare the North Carolina Department of Motor Vehicles Form 349, Traffic Collision Report for reportable collisions, when applicable. The report is to be completed and submitted through the proper procedure by the end of the workday. Collisions investigated near the end of a shift or are incomplete due to insufficient information, may be submitted the next day. All reports shall be submitted prior to the submitting officer going off duty on the last day of work before the submitting officer is scheduled for one or more days off, regardless of whether these days off are due to taking leave, or if they are due to the regular rotation of the officer's schedule. If a report is incomplete due to insufficient information at this time, it should be submitted with a notation to that effect, and a supplemental report should be submitted as soon at the missing information becomes available.

TRAFFIC CONTROL

Officers assigned to traffic control responsibilities shall ensure that the following procedures are executed:

* officers directing traffic will wear the full duty uniform and reflectorized traffic vests at all times;
* traffic control devices shall be placed with respect to hill-crests and curves and other obstructions so as to ensure they will be seen;
* hand lights, traffic cones, flares, and additional personnel will be utilized when needed.

TRAFFIC SERVICES RESPONSIBILITIES

Traffic Services (TACT) officers shall investigate:

- All fatal or near fatal collisions
- Any collisions involving a Durham Police Department vehicle which fall into one of the following categories:
    - Is a Level IV collision; or
    - Is of a controversial nature; or
    - The on-scene supervisor or Watch Commander requests TACT to investigate the collision.
- All collisions involving any vehicle belonging to the City of Durham when TACT officers are on duty or otherwise readily available.

Traffic Services officers shall use whatever resources are necessary to successfully and accurately complete their investigation. These include, but are not limited to, doctors, mechanics, surveyors, photographers, and any other specialized persons deemed necessary.

DEPARTMENT VEHICLE COLLISION INVESTIGATION WHEN TACT IS NOT AVAILABLE

Any collision involving a Durham Police Department vehicle that is below Level III may be investigated by a supervisor from the same unit / district of the operator of the Department vehicle. Normally, this would be a Corporal from the patrol district. Other officers may be used in this capacity at the discretion of the Watch Commander.

PRIVATE PROPERTY COLLISIONS

Traffic collisions that occur on private property will be investigated in the same manner as any other collisions.

LEVELS OF COLLISION INVESTIGATION

Traffic collisions are generally divided into four (4) levels of investigation.

Level I

Applies to any motor vehicle collision which result in a total property loss of less than $1,000.00 (except Hit and Run), no personal injury, and no citation is issued. Completion of a North Carolina DMV Form 349, Traffic Collision Report, is optional. However, the responding officer is required to complete the report if any party to the collision requests one.

Level II

Applies to any motor vehicle collision that results in moderate property damage ($1,000.00 or more) and/or minor personal injury.

The completion of a North Carolina DMV Form 349 is mandatory. A supplemental investigation form is optional.

Measurements will be taken regarding any tire marks and distance traveled after impact.

Any relevant evidence must be noted, measured, and collected.

Appropriate charges should be filed when there is probable cause that a motor vehicle violation(s) exists.

Interviews must be conducted of drivers and any witnesses.

Interviews are usually verbal but may be written.

Level III

Applies to any motor vehicle collision that results in moderate injuries and/or extensive property damage ($1,000 or more).

The completion of a North Carolina DMV Form 349, Traffic Collision Report, is mandatory. A supplemental investigation form is optional. Measurements will be taken regarding any tire marks, lane and street widths, and distance traveled after impact.

Any relevant evidence must be noted, measured, and collected.

Interviews must be conducted of drivers and any witnesses.

Interviews are usually verbal but may be written.

Appropriate charges should be filed when there is probable cause that a motor vehicle violation(s) exists.

Level IV

Applies to motor vehicle collisions that result in serious injuries or fatalities.

The completion of a North Carolina DMV Form 349, Traffic Collision Report, and a Supplemental Investigation Form are mandatory. The supplemental form (case log) will note all actions taken by the investigating officer. The supplemental investigation (analysis) will state all the investigating officer's computations. The computations will include, but are not limited to: skid mark analysis, viewpoint studies, critical speed analysis, and any results of field-testing.

Measurements must be taken and a scale drawing or diagram prepared. All evidence noted should be placed on the diagram. Accurate measurements must be taken using the grid, coordinate or triangulation method.

A thorough examination should be conducted of the vehicles involved. Important evidence must be collected. It may be necessary to confiscate a vehicle for proper evidence examination. Collision damage and examination reports must be prepared.

Interviews will be conducted and may be tape recorded or written.

Additional off-scene data, such as documentation by a mechanic or other qualified person indicating an existing mechanical defect or deficiency, a physician's report indicating a previous illness or condition attributable to the collision or a DOT or City Traffic Engineering Report alleging or indicating a roadway hazard or defect may be collected.

Appropriate charges should be filed when there is probable cause that a motor vehicle violation(s) exists.

If felony or serious misdemeanor charges are indicated, then an incident report shall be completed listing facts and evidence supporting these charges. If evidence is collected, including blood kits, then a property report must be completed and the evidence submitted in accordance with the General Order 4058, Property and Evidence Control.

PHOTOGRAPHS OF THE COLLISION SCENE

The investigating officer will notify Communications as soon as possible after arrival, regarding the dispatch of Identification Personnel.

This request will be made for all Level IV collisions. Officers may request Identification Personnel, where in the officers' opinion, evidence collection or photography is needed to supplement the investigation. After hour requests require the approval of the Watch Commander or designee.

Photographs must be taken prior to altering the collision scene. The investigating officer should work closely with the Identification Technician to ensure that photographs are prepared to show the following:

* Vehicles- Photographed from all sides with special attention to damaged areas;
* Roadway- All tire marks, gouges, debris, or other relevant items;
* Viewpoints- Photographs showing viewpoints or perspectives of all drivers involved, including general area photographs;
* Follow-up- Daylight, or photographs under more ideal conditions, may be needed.

ID Technicians may take other photographs or collect other evidence that they feel is necessary to supplement the investigation. It is not the responsibility of the investigating officer to instruct the ID Technician as to how to perform their duties. However, officers assigned to the investigation are considered the lead investigator and as such, are responsible for complete case preparation.

COLLISIONS INVOLVING HAZARDOUS MATERIALS

Any officer assigned to investigate a collision involving hazardous materials will immediately notify his/her supervisor. The supervisor will notify the Watch Commander, who will request the appropriate notifications be made concerning fire units, Emergency Management, and additional manpower.

The collision scene will be investigated using the Level II-IV criteria.

IMPAIRED OPERATORS

The investigating officer will examine all operators for any sign of use of alcohol or any controlled substance(s), which may have impaired the operator. Any driver suspected of being impaired may be tested by use of field sobriety tests.

If the operator is injured and is transported to a medical facility, a blood sample may be obtained for the purpose of determining impairment. A blood sample may also be obtained from any operator suspected of impairment due to the use of controlled substances. In other cases, a breath sample may be obtained from an Intoxilyzer-5000 instrument. All breath and/or blood tests shall be administered by a certified Chemical Analyst and shall be in accordance with the applicable North Carolina General Statutes and the North Carolina Administrative Code.

HIT AND RUN COLLISION INVESTIGATION

Any officer responding to a collision scene involving hit and run vehicles will investigate the collision using the same guidelines outlined above. Additionally, the officer will take into consideration the following:

* The investigating officer must ensure that he/she has the correct information regarding the suspect vehicle.
* If information on the suspect vehicle has not been broadcast to all cars, the investigating officer will do so immediately after he/she reasonably believes that the correct information has been obtained.
* Responding officers while en-route to the scene must be attentive to broadcast information regarding suspect vehicle(s) so as to apprehend the fleeing vehicle if sighted.
* The investigating officer is responsible for any follow-up needed regarding the collision investigation.
* The investigating officer will complete the initial collision report (DMV 349) and any necessary supplemental reports and submit them through regular channels by the end of his/her daily shift.
* The originally assigned officer may continue furthering the investigation, but if he or she does so, should make a notation on the original report to that effect. Additions to the original report should be included on a supplemental report using the original report number.

COLLISION VICTIM'S PROPERTY

To protect the property of persons who have been incapacitated by collisions, officers:

* will make every effort to assure the safekeeping of the property;
* may submit valuables, such as handguns, jewelry, money, etc. to the Property Room using the normal procedure for submitting property (see General Order 4058 R-2) ;
* if possible and expedient, may personally return the items to the victim;
* may turn the property over to a family member if they can confirm the identification of the family member. Officers are not obligated to turn property over to a family member if a family member demands the property under what the officer can articulate as suspicious circumstances;
* in the case of a fatal collision, will secure and inventory the property of the victim (see General Order 4058).

Personal property that is left in the vehicles (clothes, books, etc.) shall be listed on the vehicle inventory form that is to be signed by the wrecker operator before removing the vehicle.

ROADWAY HAZARD REPORTS

All officers shall be responsible for ensuring that Communications is notified when obstructions, damage to roadways or associated equipment (i.e., road signs) would impede traffic or impose a hazard to drivers or

pedestrians. Communications Center personnel will in turn notify the appropriate authority (i.e. Street Maintenance, Transportation, etc.).

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4014 R-1**

RADIO PROCEDURES

Effective Date: 03/01/1996	Revision Dates: **R-1 01/10/2005**

INTRODUCTION

In order to derive the greatest benefits from the radio system, certain regulations and procedures have been established governing its use. Adherence to these guidelines will result in improved communications and greater officer safety.

ADMINISTRATIVE CONCERNS

The Durham Emergency Communication Center is a restricted area and only authorized persons are allowed inside. Officers may secure admission for Communications-related business only.

Any complaints regarding the use of the radio system will be handled through formal lines of authority.

* Complaints originating from the Communications Center regarding the use of the system by an officer will be forwarded to the officer's District or Division Commander.
* Complaints originating from other sources regarding the use of the system by a telecommunicator will be made in writing, utilizing DECC Form A-024, and forwarded through channels to the Communications Director.

Department personnel shall use the radio system in a professional manner, adhering to all policies imposed by the Federal Communications Commission and the Police Department.

THE RADIO SYSTEM

General Order 1037 gives an overview of the radio system and describes the features of the portable radios.

ACCESS BY RADIO

All field units will have constant access to radio communications by either a portable or mobile radio.

All patrol officers who are in service will maintain constant radio contact with Communications. Patrol officers who do not have radio contact will be placed in an out-of-service status until they are back in radio contact.

If an activity necessitates breaking contact, the officer will check out of service. If Communications cannot make contact with an officer believed to be in service, subsequent attempts will be made at thirty (30) second intervals on all radio channels. If contact is not made after three attempts, Communications will notify the officer's supervisor, who will be responsible for coordinating efforts to locate the officer.

RADIO CODES

The “Ten Codes” listed in Attachment 1 will be used whenever possible to minimize radio traffic. All radio users should have available a copy of the Ten Codes.

The “Ten Codes” and the radio frequencies should be considered sensitive information and should not be released to the general public.

The Phonetic Alphabet listed in Attachment 2 will be used by all radio users of the Durham Emergency Communications Center.

RADIO SYSTEM USE

All users of the system will clearly acknowledge any transmission directed to them. No transmission will be considered received until an acknowledgment is made and heard. This will not apply to all-cars broadcasts such as “alerts.”

When called verbally, all officers should give their call number and correct location, unless disclosing their location would interfere with a police objective.

Whenever practical, certain information should be communicated by telephone rather than over the radio.

Examples are:

* lengthy or complex messages;
* information pertaining to manpower or officer availability;
* special assignments,
* general traffic from inside buildings that hamper clear radio transmissions
* any information that might compromise a police objective if overheard by the general public.

All radio users will monitor the radio just prior to transmitting to make sure they are not interrupting a broadcast already in progress. This is particularly important when changing channels.

DISPATCHING POLICE CALLS

The dispatching of a police call carries the authority of an order from the Chief of Police.

Communications is responsible for the selection and dispatching of all police calls, taking into consideration each unit’s availability, call priority, response area and assigned duties. Calls may be assigned to supervisory personnel as the need arises based on available staffing levels.

To facilitate effective dispatching and minimize response time, officers will remain in the vicinity of their assigned patrol area, except while on assignments. If a supervisor assigns an officer a special assignment, the officer or supervisor will notify Communications so that the officer will be placed out-of-service. Officers will notify Communications when they leave their patrol district so they will be placed out-of-service.

A supervisor may countermand or modify the dispatching of a police call, when doing so would serve some police task or objective.

When assigning a call, Communications will call for specific cars, making sure each car acknowledges the call. Any unit that is closer to a call may make this fact known to Communications, who may reassign the call.

Calls will not be held until shift change. All calls must be dispatched within thirty (30) minutes of receipt, with all Priority 1 and 2 calls being dispatched immediately upon receipt and assigned to the nearest available unit.

CHECKING IN AND OUT OF SERVICE

When checking out of service, an officer will give his/her call number. After receiving an acknowledgment from Communications, the officer will give the proper "Ten Code," nature and location of the activity.

Communications will not allow a unit to check out-of-service on a non-police activity when doing so would not leave adequate units available for calls. Officers wishing to be placed out-of-service for non-police activity should call and request same. If there is less than fifty percent (50%) of a District available, Communications will deny the officer's request until such units are available.

Officers will not check out of service by telephone. Supervisors need to be aware of their District's activity. If an officer has radio problems, they may check out of service via telephone. Communications will then promptly notify the officer's supervisor of this action.

Officers will check out-of-service any time they are not able to receive a police call unless they are specifically advised not to do so by a supervisor. Supervisors will make Communications aware any time they have one of their officers unavailable for police calls.

Officers assigned in a supervisory or administrative capacity or to special investigative activity are not required to check in or out of service unless they are originating a call that may need a time and IR number recorded.

Upon arrival at the scene of a call for service, officers will advise Communications by using the proper Ten Code.

Officers calling out-of-service to assist another officer will advise the proper code and the car number or address where they are assisting. When responding to a call that has the potential for injury to an officer or violence, the officer should advise the proper code to alert other responding officers as soon as possible after evaluating the situation. This will serve as a precautionary measure for officer safety.

Requests for repeated information concerning dispatched calls will be made on the channel the call was dispatched on.

INITIATING AND CLEARING A CALL

When an in-service officer discovers a situation requiring police attention, the officer will call Communications to initiate a police call. After receiving an acknowledgment from Communications, the officer will advise the nature and location of the incident and conduct any necessary investigation.

If an officer discovers a situation that requires police attention, but the officer is unable or not equipped to handle the situation, Communications will be so advised and another unit will be dispatched. If the situation involves or poses a reasonable potential for personal injury, violence or a significant traffic hazard, the first officer will remain on the scene until the investigating officer arrives. This requirement will not apply if the first officer was already on emergency business prior to discovering the incident.

After an officer has completed a call, either self-initiated or dispatched by Communications, they should clear the call on the dispatch channel if no IR number is needed. This would be appropriate when clearing a call 10-24, code 7 or 10. In cases requiring an IR number, officers will first request their time and number(s) on the information channel by advising Communications the proper Ten Code. After receiving their time and

number(s), officers should then switch to the dispatch channel to have their status changed indicating they are again available for calls. Unless the officer requests to be held out-of-service, Communications will clear the officer and return their status to available. If an officer needs a time and IR number before having their status changed to “available”, they should not advise 10-24. The officer should switch to the information channel and request time and IR number.

After an in-progress crime, or a bank or holdup alarm situation has been dispatched, all routine radio traffic on the primary dispatch channel should be held until the first unit arrives on the scene and has assessed the situation.

When a situation develops that requires prolonged radio traffic or car-to-car coordination, Communications will switch units involved to another channel.

CRIMES IN PROGRESS

Upon receipt of a crime-in-progress call, the police dispatch operator will assign the call to the nearest car available. If another officer is nearer to the crime-in-progress, that officer should make this known to Communications who may then reassign the call.

All officers should avoid using the dispatch radio channel until the crime-in-progress call has been resolved or moved to another channel.

Communications will notify area police agencies of a confirmed crime-in-progress or crime-just-occurred in the event they have officers that may be of assistance.

INFORMATION REQUESTS

All requests for computerized information will be made on the information channel. The exception to this requirement involves extraordinary circumstances, such as a hostage situation or a crime in progress. Requests for this exception shall made on the primary dispatch channel. For all other requests, officers will initiate their request by calling Communications on the information channel, giving their call sign and the Ten Code for the information needed.

Communications does not have access to the criminal history or drivers history files. Whenever Communications advises a positive response on a wanted person, missing person, gun, article, vehicle or security the DCI operator, located in the Records Division, shall be contacted to confirm the “hit” and providing additional information. In addition, the DCI operator will be contacted, either by radio, telephone or in person, to clear the record out of the system.

Anytime an officer needs information on an individual, they should always give the information to the Communicator in the following order:

- operator’s license number (if for driver information)
- last name
- first name
- middle name or initial
- date of birth
- race/sex

This includes local warrant checks, NCIC and State warrant checks, and drivers license information. If Communicators are given the information in the order mentioned above, normally they can key it into the terminal as it is being asked for and will result in a faster response.

Non-priority requests (telephone, prepared lists, etc.) will be directed to the DCI operator, located in the Records Division, for processing. Requests for information on property will always need a unique serial number or owner applied number (such as a driver's license or Social Security number.)

Criminal history information, including driver history, cannot be given out over the radio. This includes the number, date and nature of violations. The only information that can be given is the ten code that indicates whether the suspect has a history of DWI convictions or any other types of moving violations.

Computerized information is available to law enforcement personnel only on a need to know basis. Depending on the type of information requested, the operator may ask the officer the reason for the inquiry. This is because the reason must be logged for examination by auditors.

Officers need to be aware that information retrieval can be a lengthy and time consuming task. The Communicators often cannot stop other activities to dedicate time to run requests for information. Officers will be advised when their information has been retrieved and need not call repeatedly asking for same.

Steven W. Chalmers

Steven W. Chalmers
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4015 R-3**

DEPARTMENT OPERATIONS DURING HAZARDOUS WEATHER CONDITIONS

Effective Date: 12/15/1995	Revision Dates: R-1 01/10/2005; R-2 11/22/2006; **R-3 02/18/2015**

INTRODUCTION

Durham City policy HRM-730 provides the policies and definitions in reference to working during severe weather events. The Police Department acknowledges that it provides essential services during such events and will assure, to the best of its abilities, sufficient staff to accomplish its mission of enforcing the law and preserving order during and despite severe weather events. The department will, at the same time, curtail or delay non-essential services so as not to expose members to undue risk.

EMPLOYEE DESIGNATIONS

Policy HRM-730 defines "Group 1" employees as those required to report to work in spite of or because of severe weather. Primarily, these employees are responsible for responding to calls for service. All sworn officers, DCI Warrant Control and Crime Scene Investigators regularly scheduled to work are considered Group 1 employees. Employees in this group are expected to report to duty at their regularly scheduled work time during severe weather situations. They may request the use of a vacation day or compensatory time, but that is at the discretion of their chain-of-command. Failure to report if directed to do so is grounds for disciplinary action.

Group 2 employees are relieved from duty whenever a limited service schedule is put in place by the City Manager. Non-sworn employees not specified above as Group 1and members not scheduled to for their regular work time during severe weather situations are considered Group 2 employees.

Per City policy, group designations can be temporarily modified as a department's operational circumstances require. Any change in status will be communicated by the Chief of Police or his/her designee to the affected employees during the operational planning process or, if needed as the event occurs.

During their onboarding process, new employees will be notified in writing of their group designation and must sign the appropriate paperwork supplied by the City of Durham.

TRANSPORTATION

All employees are required to arrange their own transportation to work during severe weather conditions. This can include requesting transportation by a Department vehicle, but such transportation is not guaranteed.

The Fleet Manager maintains an inventory of four-wheel-drive vehicles in the police fleet. During severe weather any or all of these vehicles can be assigned by the Watch Commander to pick up and transport Group 1 employees. Personally owned vehicles may also be used to pick up and transport employees per City Policy. If transportation cannot be arranged, a vacation/comp day may be requested of one's supervisor.

LODGING AND MEALS

Lodging and meals for Group 1 employees may be authorized by the Chief of Police per City Policy. This is highly unusual however; possibly only during extremely severe or prolonged weather events. Because this measure is rarely taken, members are always expected to plan on providing their own meals and appropriate lodging when working during severe weather events.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4016 R-2**

RESPONSE TO ALARMS

Effective Date: 12/15/1995	Revision Dates: R-1 09/01/2002; **R-2 11/16/2009**

INTRODUCTION

Rules and regulations of alarm systems in the City of Durham are regulated under City Code Chapter 46 Article IV Police and Fire Alarm Systems.

RESPONSE PRINCIPLES

All alarm calls shall be treated as crimes-in-progress and require sufficient units to control the scene and assure officer safety. Officers will not respond to alarm calls with lights and sirens unless prior supervisory approval has been obtained.

The first officer on the scene shall search the perimeter of the location of the alarm for reasons for the activation and persons who may have caused it. If evidence of unlawful entry is found, the officer shall take a position from which he or she can observe the entrance point and call for backup. The building shall not be entered until sufficient personnel are on the scene to maintain a perimeter observation and a minimum of two officers to conduct the building search. A police canine should be used whenever possible.

A history of false alarms to any given location shall not alter an officer's response.

COMMUNICATIONS ALARM CODES

The DECC will attempt to verify each alarm and advise the responding officers. The following is a list of alarm status codes:

- SIGNAL GREEN: The alarm is false and a representative will meet the officer outside the building to verify that.
- SIGNAL YELLOW: The ECC cannot determine whether the alarm is false, or cannot make contact with the site. Officers will proceed as if the alarm is valid.
- SIGNAL RED: Communications has determined that the alarm is valid and this code shall be used to alert the officers that an intrusion or incident is in progress or has just occurred.

BANK ROBBERY RESPONSE PROCEDURES

All officers responding to the bank alarm shall proceed as safely and quickly as possible to the vicinity of the bank. If lights and siren are approved for use, they shall be turned off upon approaching the vicinity of the bank

to prevent alerting suspects who may still be in the area. All other officers responding shall refrain from approaching the bank, but instead shall take up positions to intercept fleeing suspects.

When suspects have left the scene, the first officer at the scene shall station himself or herself with a radio inside the bank and lock the doors to retain witnesses. All witnesses shall be separated and not allowed to move about or touch anything.

The first officer at the scene shall immediately provide DECC with a description of the suspect's vehicle and the suspects.

Officers shall search the vicinity of the bank and ask all witnesses located to come to the bank. Officers shall protect the scene until the arrival of investigators and F.B.I. agents and assist them if requested.

Any information gathered about the robbery shall only be released, to the media and/or to citizens, by the Public Information Officer or designee.

The amount of money taken in the robbery will NOT be released to the news media.

DISPOSITION OF ALARM CALLS

The officer shall clear all false alarms using one of the following reasons: false alarms cancelled before arrival; false alarms due to weather conditions; false alarms due to any other cause.

For alarms that are not false, an investigation report shall be completed for the underlying crime.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4017**

PRISONER SECURITY WITHIN DEPARTMENT FACILITIES - RESCINDED

Effective Date: 12/15/1995	Revision Dates: R-1 03/01/1996; R-2 07/25/2003; **Rescinded 09/12/2017**

This General Order was rescinded on September 12, 2017. Its contents were incorporated into General Order 4003 *Custodial Transports.*

Cerelyn J. Davis
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4018 R-4**

PRELIMINARY/FOLLOW-UP INVESTIGATIONS

Effective Date: 12/15/1995	Revision Dates: R-1 03/01/1996; R-2 07/25/2003; R-3 12/05/2003; **R-4 01/31/2013**

INTRODUCTION

All calls from citizens for assistance that require a police officer to respond are the initial responsibility of the Uniform Patrol Bureau. Uniform Patrol Officers will provide the needed assistance, or ensure that the proper procedures are initiated and the appropriate police personnel are contacted and respond.

PRELIMINARY INVESTIGATIONS

The preliminary investigation begins when the first Uniform Patrol Officer contacts the complainant, or upon the arrival of the first Uniform Patrol Unit at the scene of an incident. The investigation continues until it can be concluded or a postponement of the investigation or transfer of responsibility will not jeopardize the investigation.

The following activities are part of the preliminary investigation:

Observe - Officers should observe all conditions, events and remarks upon arrival on the scene of a crime. These observations should be recorded in the report of the incident.

First Aid to the Injured - Officers will administer first aid to the best of their ability until medical assistance arrives. If the victim is in danger of imminent death, and the circumstances of the incident are unknown or suspicious, a patrol officer or investigator if present, will ride in the ambulance with the victim to the hospital. If possible, the officer shall attempt to get a statement from the victim.

Protection of the Crime Scene - Officers will secure and protect crime scenes to ensure that evidence is not lost or contaminated. Uniform Patrol Officers will arrange for services as needed. If there is no evidence collected, or if Crime Scene Investigators are not called to the scene of a serious crime against person or property, then the initial investigating officer will include in the report the reasons why.

The responsibility for protection and security of the crime scene shall remain with the Patrol Bureau Officers throughout the investigation. Even when relieved of investigative duties, the preliminary investigating officer shall ensure there is adequate protection of the crime scene.

Determine Nature of the Crime - Determine nature of offense(s) apparently committed. This should be done through observation and interviewing the complainant or victim and all available witnesses.

Determine Identity of the Suspect(s) - Effect the detention and/or arrests of suspect(s) if possible, either at the scene or through immediate pursuit.

Broadcasting Pertinent Information - Officers on the scene will broadcast to other field units information concerning descriptions of wanted subjects, method and direction of travel, and any other relevant information.

Witnesses - Locate and identify all available witnesses. Interview the witnesses to determine the extent of their knowledge of the crime.

Assemble Preliminary Information - Determine what is known by the victim and witnesses. Determine the exact circumstances of the offense as soon as possible.

Record Information - Maintain accurate and complete field notes. Promptly submit all required report forms.

Interview of Suspects – Attempt to obtain complete statement from suspect through lawful interrogation techniques when C.I.D. personnel are not required.

Inform the Victim/Complainant of the IR number assigned to the case and what to expect in the processing of his/her case.

Provide Telephone Number for the Durham Emergency Communications Center, Victim Services, and the District Office so the victim/complainant can call to report additional information about the case and also provide a telephone number so that the victim/complainant can call to check on the status of his/her case. For misdemeanors, this number would be the District Office Number of the investigating Patrol Officer. In the case of felonies, it would usually be Criminal Investigations or Special Operations.

Provide Information to Victim/Complainant of available services to aid in the physical, mental and financial recovery from the crime.

Advise the Victim/Complainant to notify the police at the earliest possible time of threats or other types of intimidation from the suspect or suspect's friends and relatives.

UNIFORM PATROL RESPONSIBILITIES

Except in situations where the presence of a uniformed officer would obviously prevent a proper investigation from being conducted, the preliminary investigation shall be the responsibility of the Patrol Officer assigned the call. The assigned officer shall:

- Initiate and complete as many activities listed under the preliminary investigation section as the situation requires. The individual circumstances of the incident shall determine how many of these activities are required.
- At the conclusion of the preliminary investigation and before returning to service, the officer shall complete his investigation report.

Any officer, regardless of rank, entering the perimeter of a crime scene is required to submit a supplementary investigation report recording their observations of all conditions and remarks as well as their actions.

NOTIFICATION OF CRIME TO OTHER UNITS

The officer assigned shall ensure a supervisor responds to the scene of a serious crime. The supervisor will ensure that other units are informed of the situation, or of their immediate need to respond to the scene for follow-up investigation.

FOLLOW-UP INVESTIGATIONS

Follow-up investigations are an extension of the preliminary investigation. The purpose of the follow-up is to provide additional investigation in order to effect an arrest, recover property, or establish justification to conclude the investigation. In the majority of cases, those steps outlined in the preliminary investigation section will be duplicated, at least in part, in the follow-up investigation phase.

Basic activities of the follow-up investigation include, but are not limited to:

- Identification of suspects
- Arrest of suspects
- Recovery of stolen property
- In depth interviews of victims and witnesses
- Interviews of suspects
- Reviewing crimes of similar nature
- Complete and accurate recording of information obtained and actions taken
- Preparation of case for court proceedings

RESPONSIBILITY FOR FOLLOW-UP INVESTIGATIONS

The Uniform Patrol Bureau will be responsible for conducting and completing the investigation of all non-criminal calls. The Bureau will also be responsible for police assistance and for misdemeanor crimes not specifically authorized for referral to other units. The assigned officer is responsible for the completion of the investigation. The officer shall contact his supervisor if in need of assistance or guidance. Serious misdemeanor offenses should be referred to the Criminal Investigations Division only if the following conditions exist:

- when the offense appears to be part of a pattern of such offenses, or
- when follow-up is required in widely separated locations outside the geographic boundaries of the district in which the offense occurred and the Officer's supervisor determines that it is impractical to allow the patrol officer to conduct the follow-up investigation, or
- when probable cause has been established but for various reasons a warrant has not been issued.

In cases assigned to the Patrol Bureau for follow-up where additional investigation is required at the end of the tour of duty of the assigned officer, the officer's supervisor will discuss the situation with the on-coming supervisor. Unless the investigation will be jeopardized by delaying the investigation, it shall remain the responsibility of the assigned officer. If immediate need exists to continue the investigation, then the two supervisors will ensure arrangements are made for the investigation to continue. The master patrol officer shall maintain a log that tracks the disposition of all assigned misdemeanor cases.

CRIMINAL INVESTIGATIONS DIVISION

Criminal Investigations Division (C.I.D.) shall be responsible for conducting the follow-up investigation of felony offenses and assigned serious misdemeanors. Case assignments in the CID will be made by on-duty Investigator Sergeants after reviewing referred reports.

Investigation of certain offenses are of a sufficiently complicated nature or contain a degree of immediacy to warrant the immediate assignment of Investigators for follow-up investigations. During normal business hours

it shall be the responsibility of the Patrol Sergeant to request an investigator respond to the scene of incidents, crimes or arrests of a serious nature.

It shall be the responsibility of the Watch Commander to authorize the call-back of investigators after normal business hours. Upon arriving on the scene, the Investigator shall assume responsibility for the investigation.

FORENSIC SERVICES UNIT

Upon arriving, the Crime Scene Investigator shall report to the officer in charge of the scene and begin processing the scene using his or her technical training and expertise. The Crime Scene Investigator shall also provide any additional scene processing as directed by the lead investigator in charge of the scene. Evidence will not be collected without the approval of the lead investigator in charge of the scene. An exception to this procedure is when the evidence would be lost or of little value if not collected immediately.

Officers may request through the Durham Emergency Communications Center that a Crime Scene Investigator respond to crime scenes, if there is a possibility of collecting evidence or if photographs are needed. If no Crime Scene Investigator is available, the call-back of off-duty Crime Scene Investigators can only be authorized by the Watch Commander. Investigators on the scene, after having been called backed are authorized to call back Crime Scene Investigators if they are needed.

MEDICAL EXAMINER

Suspicious Deaths:

In all deaths involving a crime or of a suspicious nature, Patrol Bureau personnel shall not call for the Medical Examiner. The Lead Investigator shall call for the Medical Examiner when the investigation is nearing completion.

Non-Suspicious Deaths:

In death cases where the cause of death appears to Patrol Officers to be obviously natural and not suspicious, Investigators should not be called to the scene. In such cases, a Patrol Supervisor will respond to the scene to evaluate the circumstances. Responding officers should ascertain from family or neighbors if the deceased had an attending physician who can be contacted to certify the death. If this attending physician is contacted and if he or she agrees to certify the death, the body can be released to a funeral home.

If the deceased does NOT have an attending physician, or if the attending physician cannot be contacted, then the body shall be disposed of as indicated in the attached Durham County Procedure for Disposal of Unclaimed Bodies (Attachment 1). If the attending physician can be contacted, but is not willing to certify the death, then the Medical Examiner’s Office should be called.

Telephone contact is usually sufficient in this situation. In either case, the responding funeral home will be provided the name of the attending physician or Medical Examiner contacted and this information will be included in the Incident Report.

If the deceased has a ‘Do Not Resuscitate’ order in place; or is under Hospice care, either in a facility or in the home, an Incident Report is not required. This directive should not be construed to require that an investigator respond simply because an incident report is generated. The determination as to whether or not to call an investigator remains at the discretion of the responding supervisor(s) and the Watch Commander.

NOTIFICATION FOR STATUS CHANGE OF CASE

Upon the change of status of an investigation, the investigating officer will notify the victim/complainant of the change in his or her case. This information shall include that an arrest has been made, the charges lodged against the suspect(s), the custody status of the suspect and any other pertinent information. This information is to be provided at the earliest possible convenient time.

STREET/HIGHWAY DEPARTMENT PERSONNEL

Officers assigned to calls for service shall be responsible for ensuring that Department of Public Works, Street Maintenance Division personnel are notified when obstructions, damage to roadways or associated equipment would impede traffic or impose a hazard to drivers and pedestrians alike. Officers will also be required to assist in traffic control when necessary.

PUBLIC UTILITIES PERSONNEL

Officers who observe damage to public utilities shall ensure that the appropriate agencies are notified as soon as possible via the Durham Emergency Communications Center. Utilities that will need to be notified in such cases are, but not limited to the following:

Duke Power Company	800-769-3766
N.C. Public Service Gas Company	877-776-2427
Durham City Water Resources	560-4344 or 4348
Time Warner Cable	595-4TWC
Verizon Telephone	800-483-1000
Frontier Communications	877-462-8188

NEWS MEDIA

All requests for information from the news media will be handled in accordance with General Order #4060 or referred to the Department's Media Relations Coordinator.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4019 R-6**

VEHICLE PURSUITS

Effective Date: 12/15/1995	Revision Dates: R-1 05/16/1997; R-2 11/01/1998; R-3 12/17/2013; R-4 09/19/2014; R-5 04/17/2017; **R-6 09/12/2017**

INTRODUCTION

The primary purpose of this policy is to secure a balance between the protection of the lives and safety of the public and police officers, and law enforcement's duty to enforce the law and apprehend violators. Since there are numerous situations that arise in law enforcement that are unique, it is impossible for this policy or any standard operating procedure to anticipate all possible circumstances. This policy is intended, therefore, to direct as well as to guide a police officer's discretion in matters of vehicular pursuit.

Deciding whether to pursue a motor vehicle is among the most critical decisions made by law enforcement officers. It is a decision that must be made quickly and under difficult, often unpredictable circumstances. In recognition of the potential risk to public safety created by vehicular pursuits, no officer or supervisor shall be criticized or disciplined for a decision not to engage in a vehicular pursuit or to terminate an ongoing vehicular pursuit based on the risk involved, even in circumstances where this policy would permit the commencement or continuation of the pursuit.

GOVERNING AUTHORITY

NCGS § 20-145 - "Speed limitations shall not apply to vehicles when operated with due regard for safety under the direction of the police in the chase 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 the safety of others*."

NCGS § 20-156(b) - "The driver of a vehicle upon the highway shall yield the right-of-way to police and fire department vehicles.... when 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 1000 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 traffic light emitting a flashing strobe signal or beam of steady or flashing red light. *This provision shall not operate to relieve drivers 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 consequences of any arbitrary exercise of such right-of-way."*

DEFINITIONS

Emergency Equipment: Flashing, blinking, or alternating blue lights or a combination of blue and red, an operable siren, an air horn designed to give an intermittent signal, and flashing "wig-wag" headlights.

Involved Police Units: Those police vehicles using emergency lights and/or siren that are in active pursuit of the suspect vehicle.

- Initiating Unit: The police vehicle that initially becomes involved in a vehicular pursuit.
- Primary Unit: Any unit that assumes control of the pursuit as the lead vehicle (the first police vehicle immediately behind the fleeing suspect).
- Secondary Unit: Any police vehicle, which becomes involved as a backup to the primary unit and follows the primary unit.

Legal Intervention: The use of police vehicles, or other techniques, to forcibly slow and/or stop a suspect vehicle. This may include, but not be limited to, ramming/forcing off the road, or rolling or stationary roadblocks.

Parallel Pursuit: Proceeding in the same direction at approximately the same speeds as the suspect vehicle on streets parallel to the chase route.

Stationary Roadblocks: A barricade or other obstruction across a roadway set up to prevent the escape of a fleeing vehicle.

Support Units: Police vehicles that are in the general area of the suspect vehicle to assist in legal intervention or arrest procedures.

Termination of Pursuit: Disengagement by turning off all emergency equipment and resuming the speed limit.

Vehicular Pursuit: The active pursuit of an operator of a vehicle who is resisting detention or arrest by refusing to stop.

DECIDING WHETHER TO PURSUE

A police officer has the authority, at all times, to attempt the stop of any person reasonably suspected of being about to commit, committing, or having committed any criminal offense or infraction. It is clear that while it is the officer who initiates the stop, it is the violator who initiates the pursuit.

Officers are authorized to engage in a vehicle pursuit within the limits of N.C.G.S. § 20-145 and N.C.G.S. § 20-156 in order to apprehend fleeing law violators; however, the decision to pursue must be based on a reasonable officer's conclusion that the immediate danger to the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.

Vehicle Pursuits are allowed when:

- the police officer reasonably believes that the violator has committed a violent felony, such as, murder, rape, armed robbery, kidnapping, felonious assault;

  and

- the officer reasonably believes that, by the nature of the crime(s) committed, the violator poses a threat of serious injury to the public or other police officers if he/she is not apprehended immediately.

Vehicle Pursuits are not allowed:

- For suspects of nonviolent crimes, such as breaking and entering and larceny, fraud, felonious or misdemeanor larceny, or motor vehicle theft;
- For motor vehicle offenses, suspected or actual, to include DWI violators;
- When circumstances are such that, in the opinion of the primary unit, the hazard created by the pursuit outweighs the necessity of immediate apprehension;
- When the pursuing officer can identify the suspect and apprehension at a later date appears reasonably possible and the suspect is not reasonably believed to pose a threat of serious injury to the public or other police officers if he/she is not apprehended immediately; (or)
- When the pursuing officer's vehicle cannot be safely operated at pursuit speed.

Police vehicles transporting any passenger other than a sworn law enforcement officer shall not be actively involved in a pursuit until the officer has discharged the passenger.

PURSUIT CONSIDERATIONS

An officer's immediate obligation in a vehicle pursuit is to ensure the safety of the public without duplicating the irresponsible behavior of the fleeing suspect(s).

An officer involved in a pursuit must consider the risk created by the pursuit. Citizens should not be needlessly endangered. The officer must consider, but is not limited to, the following factors in determining whether or not to continue the pursuit:

- Likelihood of successful stop and apprehension based on the speed involved or the suspect's mode of transportation.
- Whether the identity of the violator is known to the point where later apprehension is possible.
- Degree of risk created by pursuit:
  - Volume, type, speed and direction of vehicular traffic;
  - Population density and volume of pedestrian traffic;
  - Nature of the area: residential, commercial, school zone, open highway, etc.;
  - Environmental factors including, but not limited to, weather and darkness which increase the hazard of a pursuit;
  - Road conditions including, but not limited to, construction, poor repair, extreme curves, ice, and/or major intersections.
- Police Officer characteristics:
    - Driving skills;
    - Familiarity with roads;
    - Condition of police vehicle.

PURSUIT OFFICER RESPONSIBILITIES

The initiating unit shall immediately notify the Communications Center that a pursuit is underway and the specific reason for the initial attempted vehicle stop, i.e.: initiating violation. If this information is omitted, the

officer's supervisor shall terminate the chase. In addition, the initiating unit will provide communications with the following:

- Their patrol unit number;
- Location, speed, and direction of travel of the fleeing vehicle;
- Description and license plate number, if known, of the fleeing vehicle; and
- Number of occupants in the fleeing vehicle, and descriptions, where possible.

The primary unit, if different from the initiating unit, shall provide communications with the above information to the extent the information has not already been provided.

SECONDARY UNIT RESPONSIBILITIES

Secondary units will attempt to keep the primary unit in sight while maintaining a safe distance. The secondary unit MAY handle radio communications (direction of travel, etc.) for the pursuit to allow the primary unit to focus on the activity of the vehicle being pursued. Secondary units should be prepared to provide immediate backup for the primary unit should the pursuit unexpectedly end (wreck, jump-and-run, etc.). The secondary unit should remain alert to report any property damage or personal injury to non-involved vehicles and citizens. The secondary unit should be prepared to stop and render emergency assistance, if necessary. The secondary unit should immediately communicate this if he/she stops to render aid.

SUPERVISOR'S RESPONSIBILITIES DURING A VEHICLE PURSUIT

Upon notification that a pursuit is in progress, the supervisor in the district where the pursuit originated shall be responsible for the following:

- Acknowledging by radio and assuming command of the pursuit. If no acknowledgment is made, any supervisor shall assume command of the pusuit;
- Monitoring the information and conditions to determine whether the pursuit should be continued or terminated;
- Designating by radio the secondary unit;
- Responding immediately to the location where a vehicle is stopped or a suspect apprehended and assuming responsibility for police action at the scene.

SUPPORT UNITS

Officers may adjust their patrol activities within their district in order to provide potential support of intervention actions, but shall not become actively involved in the pursuit unless specifically directed by the appropriate supervisor.

Support, backup and/or intervention movements will be conducted at normal speeds and with due caution. The speed limit and right-of-way exemptions allowed in NCGS § 20-145 and NCGS § 20-156(b) do not apply to support or backup officers; therefore, all support units shall obey all traffic laws.

Communications Center Responsibilities

Upon confirmation that a pursuit is in progress, Communications will:

- Ensure that a supervisor is aware of the pursuit and the essential information regarding that pursuit;

- Receive and record all incoming information on the pursuit and the pursued vehicle;
- Control all radio communications and clear the radio channels of all non-emergency calls;
- Coordinate and dispatch backup assistance under the direction of the supervisor;
- Notify neighboring jurisdictions and the State Highway Patrol when pursuit may extend into their locality.

PURSUIT RESTRICTIONS

Number of Vehicles Involved

Unless otherwise directed by a supervisor in charge of the pursuit, no more than two (2) vehicles will be actively involved in the pursuit. The primary unit officer is automatically designated as being actively involved in the pursuit. The secondary unit must be designated over the primary radio frequency by the appropriate supervisor. Officers are not otherwise permitted to join the pursuit team or follow the pursuit on parallel streets.

Unmarked Vehicles

Officers operating unmarked vehicles equipped with blue lights and siren may engage in a pursuit only when they are the initiating/primary unit or when directed to become involved in an existing pursuit by the supervisor of the pursuit. Whenever a marked vehicle becomes available to take over the pursuit, the unmarked vehicle shall disengage from the chase.

Police unmarked vehicles which are not equipped with blue lights and siren will not be operated on an emergency basis or in a pursuit and must obey all speed and right-of-way laws for the public at all times.

Department Motor Units

DPD Motor Units will not participate in vehicle pursuit as an initiating/primary or support unit.

USE OF EMERGENCY EQUIPMENT

Each unit authorized to engage in vehicular pursuit is required to activate and continuously use headlights and all emergency vehicle warning devices throughout the pursuit.

LEGAL INTERVENTION

Legal intervention substantially increases the risk inherent in a vehicle pursuit and is permitted only under extraordinary circumstances. Tactics employed are justified only to stop a threat to the safety of the public or police officers. Except for stationary roadblocks established to allow a fleeing suspect the opportunity to react and stop a vehicle, legal intervention is considered an application of deadly force by the Department. Deadly force legal intervention must meet the constitutional, statutory and department policy criteria as set out by General Order 4008 - Use of Force.

The Watch Commander or his/her designee will evaluate the circumstances and the available information and determine whether a stationary roadblock is warranted. When considering the use of a stationary roadblock the factors that need to be considered include, but are not limited to:

- Number of officers available;
- Seriousness of the suspected crime;

- The danger to public safety (escape of fleeing vehicle v. risks of forcible stopping);
- The rate of speed of the pursuit. Stationary roadblocks are most effective for pursuits where the speed of the fleeing vehicle is such that the operator can reasonable maintain control of the vehicle.

When establishing a stationary roadblock the following procedures will be followed:

- Only a marked vehicle with lights activated will be utilized.
- Marked vehicles will be positioned at a location that allows the fleeing vehicle to identify the roadblock and provide an opportunity for the fleeing vehicle to stop.
- No officer is to remain inside a blocking vehicle. Once the vehicles are positioned, use of natural or man-made structure to provide cover is encouraged.
- All officers involved in the stationary roadblock will position themselves on the same side of the roadway in the event of gunfire to avoid a cross-fire situation.

Any forcible stopping technique that results in a collision shall be processed and investigated in accordance with G.O. 3005 – Department Vehicle Collision, G.O. 4008 – Use of Force and G.O. 1014 – Internal Affairs.

Officers will receive training on this policy.

Tactics specifically prohibited are:

- Parallel pursuits; and
- Driving opposite the flow of **TRAFFIC (I.E.: DRIVING NORTHBOUND IN THE SOUTHBOUND LANES OF A DIVIDED HIGHWAY).**

APPROACHING INTERSECTIONS

Upon approaching an intersection controlled by traffic signals or signs, or any other location at which there is a substantially increased likelihood of collision, the operator of any pursuit vehicle shall, prior to entering the intersection, reduce the vehicle's speed and control the vehicle so as to reasonably avoid collision with another vehicle or a pedestrian. The officer shall observe that the way is clear before cautiously proceeding through the intersection.

REDUCING THE LEVEL OF THE PURSUIT

The primary pursuit unit shall reduce the level of pursuit to that of a secondary unit where another vehicle has been assigned primary pursuit responsibility.

Any primary or secondary unit sustaining damage to, or failure of essential vehicular equipment during pursuit, shall not be permitted to continue in the pursuit. The unit shall notify Communications so that another unit may be assigned to the pursuit.

TERMINATION OF PURSUIT

The pursuit may be terminated at any time by the initiating/primary pursuit officer, the supervisor who assumed command of the pursuit or higher authority. The supervisor shall be responsible for terminating a pursuit when he/she can determine that the threat created by continued pursuit exceeds the necessity of immediate apprehension of the suspect.

Pursuit shall be terminated immediately in any of the following circumstances:

- Violator is operating a motorcycle;
- Weather, traffic conditions, or road conditions substantially increase the danger of pursuit;
- The distance between the pursuit and fleeing vehicle is so great that further pursuit is futile;
- The officer loses radio contact with Communications or other officers;
- The need to apprehend the suspect is outweighed by the danger to the public, the officers, or the suspect posed by continuing the pursuit;
- The violator's identity is established so that later apprehension may be accomplished and where there is no immediate threat to the safety of the public or police officers;
- If there is a clear and unreasonable danger to the police officer or the public. A clear and unreasonable danger exists when the pursuit requires that the vehicle be driven at excessive speeds or in any other manner which exceeds the performance capabilities of the pursuing vehicles or police officers involved in a pursuit; (or)
- If the officer is ordered to do so by higher authority.

No officer will be disciplined or criticized for deciding to terminate a pursuit.

Officers and supervisors will be held accountable for continuing a pursuit when it is determined that it should have been terminated.

CONTINUATION OF PURSUIT OUTSIDE OF JURISDICTION

Officers of the Durham Police Department shall not continue their involvement in a pursuit beyond the territorial jurisdiction (the City Limits plus one (1) mile) unless specifically authorized to do so by the District Supervisor.

PURSUITS INITIATED BY ANOTHER LAW ENFORCEMENT AGENCY

Officer will not become involved in a pursuit initiated by an outside agency unless assistance is specifically requested.

In the event another law enforcement agency engaged in a pursuit within the city limits, or is headed toward the city limits, requests assistance from the Durham Police Department, Communications will determine the location, reason, and the number of vehicles involved in the pursuit. Communications will then notify the District Supervisor. If two or more allied agency vehicles are pursuing a violator, Durham officers will not become involved unless authorized by the District Supervisor.

The District Supervisor shall be responsible for determining whether or not the Police Department will assist in the pursuit. The District Supervisor shall also be responsible for determining the type and amount of assistance that will be provided.

The Durham Police Department units assisting in such pursuits will adhere to departmental rules and regulations. Police department officers will terminate their involvement in the pursuit if so directed by a supervisor or, if in the discretion of the officers involved, it is appropriate to do so.

WRITTEN REPORT OF THE PURSUIT

As soon as reasonably possible, but within twenty-four (24) hours of the initiating incident, the supervisor will generate the Vehicle Pursuit Report in Blue Team and, at minimum, include the following known information:

- Incident Details (include date, time, location and IR#)
- Brief Summary (not the full investigation, just a brief overview)
- Individuals involved (both officers and citizens)

Supervisors will have fifteen (15) calendar days to prepare and submit the final Vehicle Pursuit Report to their Chain of Command. Requests for additional time must be approved by the Professional Standards Commander or designee prior to the 15th day. Failure to initiate or complete a Vehicle Pursuit Report in accordance with the above time frames may constitute a violation of G.O. 4028 – *Report Writing.*

The District Supervisor will, as soon as practical, meet with those involved (including the communicator, when possible) in the pursuit. In this meeting, they should constructively and jointly critique their decisions and actions. If possible, a recording of the pursuit may be used. Upon completing the meeting, the involved supervisor shall complete the Vehicular Pursuit and Critique Report and attach it to the Blue Team report, with related incident and accident reports (if available at the time of submission) attached.

On an annual basis the Professional Standards Division will conduct an analysis of the previous calendar year's Vehicle Pursuit and Refusal to Stop Reports. The analysis will include:

- An analysis of the data compiled from the reports and identification of any possible trends. If trends are identified, recommendations to appropriately address the trends, including modifications to the Department training program, will be made.
- Identification of any changes to the pursuit policy that occurred that year. The policy will be reviewed and if appropriate, recommendations for modification will be made.
- A review of reporting procedures will be conducted and, if appropriate, recommendations to the procedures will be made.
- The analysis will be submitted to the Chief of Police for review.

REPORTING OF VEHICLES FAILING TO STOP

A Vehicle Refusal to Stop Report will be completed by any officer who encounters a situation in which vehicles fail to stop and a pursuit is not authorized. It is important that the Department keep track of the frequency of these refusals and the conditions existing in each situation. The completed form shall be submitted through the chain of command to the Professional Standards Division.

SEIZURE AND TOWING OF FELONY SPEEDING TO ELUDE ARREST SUSPECT VEHICLES

North Carolina law mandates that the vehicles of certain felony speeding to elude arrest offenders be seized by the officer charging the felony speeding to elude arrest offense. These vehicles are then sold at auction by the State of North Carolina, with the proceeds going to the school district of the county in which the vehicle was seized.

Eligible Vehicles for Felony Speeding to Elude Arrest Seizure

Any vehicle driven by an eligible offender shall be seized, except for mopeds as defined by N.C.G.S. § 20-4.01 (23), stolen vehicles, and rental vehicles that are either: 1) not operated by a driver authorized by the rental agreement; or 2) operated by a driver authorized by the rental agreement, but the rental car company had no actual knowledge of the person's driver's license revocation at the time the rental agreement was executed.

Eligible Offenders for Felony Speeding to Elude Arrest Seizure

A vehicle may be seized from a suspect that is charged with felony speeding to elude arrest pursuant to N.C.G.S. § 20-141.5(b) or (b1).

Felony Speeding to Elude Arrest Seizure Procedures

If a suspect qualifies to have his or her vehicle seized, the charging officer shall seize the vehicle and the key(s) to the vehicle. The charging officer shall obtain a wrecker to take possession of the vehicle. In order to do this, the charging officer shall contact Communications and request a "10-51 for a Speeding to Elude Seizure." Communications shall then contact a wrecker service that is authorized by the State of North Carolina to tow and store felony speeding to elude arrest seizure vehicles. No other type of wrecker (owner's request, regular rotation, etc.) shall be used in these cases.

The charging officer shall also affix a green speeding to elude arrest seizure sticker to the driver's side of the windshield. These stickers are available from the Department supply unit.

In addition to any other required paperwork, the charging officer shall complete an AOC-CR-323B form, entitled "Officer's Affidavit for Seizure and Impoundment and Magistrate's Order" and provide this form to the magistrate when the suspect is presented for his or her appearance before the magistrate. If the suspect is not arrested at the time the vehicle is seized, the officer shall provide this form to the magistrate immediately following seizure of the vehicle.

The magistrate shall determine if probable cause exists for the seizure of the suspect vehicle. If the magistrate determines that there is no probable cause for the seizure, the charging officer must notify the towing service as soon as possible that the vehicle may be returned to the suspect, once the suspect pays whatever fees are required by the towing company.

It is possible that a suspect may elude immediate arrest with the vehicle. If this occurs, appropriate charges shall be taken out against the suspect. The charging officer shall complete the AOC-CR-323B form, entitled "Officer's Affidavit for Seizure and Impoundment and Magistrate's Order" and provide this form to the magistrate. After the magistrate signs this form, the charging officer shall attempt to locate the vehicle and seize it, in accordance with the same procedures as if he or she was seizing the vehicle at the time of arrest. Once executed by the magistrate, the AOC-CR-323B form authorizes an officer with jurisdiction to enter the property of the suspect to seize the motor vehicle. If, however, the vehicle is located within an enclosed structure on the defendant's property, such as a garage, the officer shall obtain valid consent or a search warrant to enter the property and seize the vehicle. If the suspect vehicle is on the private property of another, it is necessary to obtain valid consent to enter the property to seize the vehicle. If consent cannot be obtained, then the charging officer shall attempt to obtain a search warrant to enter the property to seize the vehicle.

If the motor vehicle is subject to seizure for both (1) Felony Speeding to Elude Arrest and (2) DWI with revoked license or DWI with no license and no insurance, then the officer shall complete both applicable affidavits (CR-323A and CR-323B) and request that the magistrate sign both orders. The statutes provide that the vehicle "shall" be seized for both offenses and since the motor vehicle is now towed to the same location,

both statutes should be used. This will allow the District Attorney the broadest authority to have the vehicle forfeited.

DMV Notification

After a vehicle is seized under these procedures, the DMV must be notified of the seizure within 24 hours. The charging officer shall contact the Warrant Control / DCI Unit and have a DCI operator fill out the "Seized Vehicle N.C.G.S. § 20-28.1 (VSEZ)" online form with the appropriate information and transmit it to the DMV through a DCI terminal. The charging officer will need to provide the DCI operator with detailed information about the suspect, the vehicle, and the owner.

Tow Documentation and Reporting Requirements

The charging officer shall enter the vehicle's information into OSSI, in accordance with the General Order. Additionally, the charging officer shall complete a vehicle report (code2), either in paper or electronic form.

Court Date for Initial Appearance

The charging officer shall set the initial court date for the charges that precipitated the seizure of the vehicle to within 30 days of the charge being filed.

Cerelyn J. Davis
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4020**

EMERGENCY MOBILIZATION PLAN - RESCINDED

Effective Date: 12/15/1995	Revision Dates: R-1 02/13/2003; **Rescinded 11/26/2014**

On November 26, 2014 this General Order was rescinded. This topic has been incorporated into G.O. 4021 *Unusual Occurrences & Critical Incidents*

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4021 R-5**

UNUSUAL OCCURRENCES & INCIDENT COMMAND

Effective Date: 12/15/1995	Revision Dates: R-1 04/15/01; R-2 12/05/2003; R-3 04/28/2004; R-4 10/08/2012; **R-5 11/26/2014**

INTRODUCTION

It is the policy of the Durham Police Department to respond to unusual occurrences and hazards that threaten public safety and strain Department resources in an efficient, expedient manner, utilizing all available resources. The Department will utilize an Incident Command System (ICS) and work collaboratively with law enforcement partners to effectively respond to incidents that overwhelm or tax readily available Department resources.

The City of Durham and Durham County have established an Emergency Operations Plan (EOP) that is maintained by the Durham County Fire Marshal and Emergency Management Office. The plan establishes an effective and coordinated response to the occurrence of an emergency or disaster. The EOP and its associated annexes will be utilized in conjunction with this policy.

DEFINITIONS

Durham/Durham County Incident Management System – a component of the EOP, this annex outlines a standardized incident management system for Durham/Durham County emergency responders that can be applied to all hazards.

Hazards – situations or incidents that have potential to disrupt the community, cause damage and create casualties. These events are likely to demand resources and responses from various agencies and entities to manage the event.

Forecasted Event – an event that is, either scheduled or predicted to occur in a time frame that allows for response planning and coordination to take place prior to the start of the event.

Unforeseen Event – an unscheduled or unanticipated event that requires an immediate response and necessitates additional resources in order to manage the event.

Emergency Operations Center (EOC) – a central location staffed by representatives from various departments and agencies to establish a unified command response in accordance with the EOP.

Activation Levels – guidelines that indicate when the EOC will be activated and/or de-escalation as established by the EOP.

Command Post – a physical location where command and control functions are performed.

Staging Area – temporary locations where personnel and equipment are stationed and available for assignment.

Mass Notification Systems – methods for immediate release of safety related information to the general public. Includes but may not be limited to: reverse 911, "code Red", twitter and Facebook.

INITIAL EVALUATION AND ACTION

Whether a hazard is a forecasted or unforeseen event, timely evaluation of the circumstances and response options is essential to safeguarding the public. The following policy outlines actions to be taken in the context of managing an unforeseen event. Each of the actions outlined also apply to forecasted events, the main difference being that responses will be planned prior to the event occurring.

The evaluation process begins upon notification of the hazard. Hazards that will likely require an ICS response include:

- Severe weather events including hurricanes, winter storms and flooding;
- Mass casualties;
- Civil disorder;
- Terrorist acts;
- Active shooters;
- Public health threats.

As soon as a hazard is identified and it becomes clear that additional resources beyond those currently and readily available are necessary, the ICS system should be activated. The primary agency accountable for the response will activate the system. For incidents where the Police Department is not the primary agency responsible for managing the scene (e.g. major fires, vehicle collisions involving multiple injuries and/or hazardous material releases) the Watch Commander or the supervisor for the affected district will respond to the command post to coordinate support activities.

The first determination to be made when responding is to evaluate the need for immediate action. If officers arriving on scene need to take immediate action to confront an active threat to life (e.g. an active shooter) then all appropriate tactical responses will be taken to neutralize the threat. Supervisory personnel (preferably the Watch Commander) responding to the scene will establish a command post and take command of the incident. If immediate action is not required, then the first responding unit will establish a command post and turn command over to the Watch Commander or designated supervisory personnel. If the Watch Commander is not available to take command of the scene, the supervisor in charge will be responsible for completing all of the Watch Commander responsibilities found within this policy.

All responding units will operate off of the talk group channel designated by communications and report to the command post for assignment.

NOTIFICATIONS

The Watch Commander will notify the Executive Officer to the Deputy Chief of the incident, who will in turn, notify the Deputy Chief of Operations.

The Watch Commander will also request additional department resources (e.g. Selective Enforcement Team and/or Criminal Investigations) and outside agency resources if they are needed.

The Deputy Chief of Operations will notify the Chief of Police and the Public Information Manager (PIM). Any other member of the Executive Command Staff may be notified as determined by the Chief.

The Chief of Police or his /her designee will evaluate the circumstances of the incident and, when appropriate initiate the activation of emergency response plans in accordance with the EOP.

SCENE MANAGEMENT

The Watch Commander will maintain operational command of the scene as the Incident Commander until such time as he/she is relieved by a ranking officer. They will consider the need for and implement when appropriate the following operational actions:

- Establish security measures for the command post and the scene to include the establishment of perimeters needed to contain the incident and the establishment of traffic control measures.

- Determine the need for and method of evacuations to be conducted. This should include identifying a location where evacuees should be directed to. Sheltering in place may also be considered instead of evacuation depending on the situation.

- Determine what information needs to be provided to the public that will help manage the system and communicate that need to the PIM.

- Assess the potential need for detainee transportation, processing and confinement. If existing practices outlined in Department policies and procedures are not adequate for this instance, notify the Executive Officer to the Chief of Police that additional resources will be needed to manage detainees.

- Coordinate activities related to any post-incident investigations that may occur. For any incidents that require investigation, the Watch Commander will maintain contact with the lead investigator and coordinate de-escalation activities to include turning over command of the scene to the lead investigator.

INCIDENT COMMAND

Upon notification of the situation, the Chief of Police will determine whether or not the incident command should remain with the Watch Commander or if a command level response is needed. The Chief may elect to respond and act as the Incident Commander or may designate another to respond to take over command of the incident.

All appropriate aspects of the incident command system and unified command function will be activated in accordance with the EOP, to include the activation of the EOC.

Notification and emergency mobilization of adequate agency personnel and resources from other agencies to manage the incident in accordance with this policy will be made. The Incident Commander will be notified of the status of any prior requests made for additional personnel.

The need for a staging area to accommodate the requested resources will be evaluated and, if appropriate, established in accordance with the EOP.

The Incident Commander or designee will approve information to be released to the public.

Safety measures specific to the incident will be taken regarding all affected personnel. This may include obtaining specialized equipment or the dissemination of information.

RESPONSE PLANNING

The Deputy Chief of Operations or his /her designee will be tasked with the planning function of the incident management. This will be done in conjunction with the Incident Commander and the scene/operations commander. A description of actions already taken will be reviewed and an incident action plan will be developed and distributed as appropriate. The action plan may be modified depending on the circumstances and duration of the event as needed. Information and intelligence regarding the incident will be gathered and disseminated to all appropriate personnel. Once the incident action plan has been developed, post-incident demobilization planning will begin. The demobilization plan will be implemented at the discretion of the Incident Commander.

LOGISTICAL AND ADMINISTRATIVE SUPPORT

In order to adequately manage the incident, assignments should be made for an assessment of needs and making arraignments for logistical and administrative support functions.

The logistical matters that need to be assessed and, if appropriate obtained and/or coordinated include:

- Are the communications systems currently being used adequately to manage the incident?
- Do resources need transportation to or from the scene and/or staging area?
- Do the responders require any medical support? While it is likely that emergency medical responders will be responding to victims of the incident, should there be medical support options available at the staging area?
- Do responders have adequate supplies to manage the incident? This includes everything from computer access and office supplies to meals for responders.
- Is any equipment (including replacements) needed for specialized response teams?

Once these questions have been asked, assessments should be conducted and recommendations for addressing each of the above needs will be made to the Incident Commander in a timely manner.

One point of contact should be established for the procurement of additional resources. The preferred method of payment for additional purchases is the use of a city procurement card. Regardless of the method of payment, receipts for all supplies and expenses related to the incident response will be maintained and turned into the Fiscal Services division for processing.

Prior to the de-escalation of the incident, all department responders will be informed on how to document their time assigned to the incident. All employees involved in the incident response should be documenting their time in a consistent manner, on the same form with the same references and submitted in a consistent manner.

Any injuries or liability issues encountered during the incident will be documented and reported to the Incident Commander through the chain of command.

EMERGENCY MOBILIZATION

The decision to callback personnel to respond to an incident will be made by the Incident Commander. If the initial evaluation of the incident indicates a callback is necessary, the Watch Commander will include that information in their initial notification to the Executive Officer. Any member of the executive command staff has the authority to place on standby, holdover or callback department personnel. In the event that the Watch Commander is unable make contact with the Executive Officer, and the need for additional personnel is critical, they have the authority to begin callback procedures.

If a forecasted event is expected, part of the planning process will include the notification through the chain of command of any personnel being placed on standby or affected by a pre-scheduled recall including schedule modifications.

Upon receipt of the callback order, officers will contact their immediate supervisor to confirm receipt of the callback. If additional department personnel are needed to manage an incident, the following emergency mobilization steps may be taken:

Hold Over

On-duty personnel will not be released to leave after the conclusion of their regular shift.

Standby

When placed on standby status, officers shall be available and in physical condition to be able to work in the event that they are called back. They will remain in proximity to the City of Durham that allows them to respond in a timely manner and will have access to the predetermined method of communication for a callback order.

If a forecasted event is expected, part of the planning process will include the notification through the chain of command of any personnel to be placed on standby status.

Callback

Specific Callback

Certain officers or units are ordered to report for duty at a specific time and place. Other conditions may be placed on the callback, such as the type of uniform to be worn, where and to whom to report, and what equipment to bring.

General Callback

A general callback occurs when all Durham Police Department officers, regardless of their current assignment, are ordered to report for duty, in uniform and ready to assume patrol or other duties as soon as is safely possible. In the even that off duty personnel are needed for immediate duty, they will be instructed to proceed immediately by the most rapid and safe manner to a specific staging area, to whom to report, and what equipment to bring.

For unforeseen events, the primary method of a general callback should be the Code Red system. Officers are required to provide the Department with a current phone number that they can be reached at via the Code Red system. The message sent to officers will include specific reporting instructions regarding the callback for that incident. Officers who are on vacation or compensatory leave, but who are still near the City may upon consultation with their supervisor, be either excused from responding or be called back in.

PUBLIC INFORMATION AND MEDIA RELATIONS

The release of relevant information regarding hazards to the community is a vital component to managing an incident. Emergency notifications regarding imminent threats to public safety will be released via appropriate Mass Notification Systems without delay. Durham Emergency Communications coordinates the use of the reverse 911 system and will be notified if that system is needed. Watch Commanders have access to Code Red for safety releases. The information provided in these releases will be limited to instructions regarding actions the public should take for their safety regarding the specific incident (e.g. avoid the area of…, or citizens at the affected location should shelter in place). Use of other mass notification systems will be coordinated through the Public Information Unit.

The Department Public Information Unit will confer with the Incident Commander to determine the extent of the incident. Recommendations for the release of information and public notification will be made to the Incident Commander. A media relations coordinator will be established to monitor and organize media activities (e.g. news conferences/briefings), handle media requests and informational releases.

AFTER ACTION REPORT

The Incident Commander or his/her designee will complete an after action report and submit it to the Chief of Police within five (5) business days, unless ordered to do so sooner. The after action report will focus on the Department's response to the incident and will include at a minimum, the following information:

- A brief summary of the incident to include the Department's response;
- The duration of the incident;
- Identification of personnel assuming ICS functions;
- Resources utilized during the incident;
- Media and public information releases;
- Response deficiencies and recommendations to correct such deficiencies (to include training needs), if any.

PREPAREDNESS ACTIONS

All Department members whose position may require them to take an active part in any critical incident response will receive annual training regarding the EOP and any other related training as determined by the training division. Police Officers will also receive ICS training at an appropriate level for their rank and responsibility.

Annually, this general order will be reviewed by the accreditation manager and updated as needed. The Durham County Fire Marshal and Emergency Management are responsible for reviewing and updating the EOP. Any concerns or corrections that are needed to be made to the EOP will be forwarded to this agency for review.

On a quarterly basis, all equipment designated for the use during a critical incident response will be inspected for operational readiness by personnel responsible for maintaining the equipment.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4022 R-5**

CIVIL DISTURBANCES & MASS ARRESTS

Effective Date: 12/15/1995	Revision Dates: R-1 05/20/1996; R-2 09/01/2002; R-3 01/10/2005; R-4 10/08/2012; **R-5 01/06/2015**

INTRODUCTION

Civil disorders can take several forms, from mass civil unrest, such as riotous mob action, to a minor assembly of a few people determined to disrupt the public peace. In maintaining law and order, members of the Durham Police Department shall only use that force which is lawful, necessary and reasonable. To further the intent of minimal force, the following levels of response are established.

MOBILE FIELD FORCE

The Mobile Field Force is a specialized unit that is trained and equipped to respond to Notice and No-Notice Civil Disturbance or Civil Disobedience. The MFF will be the primary unit to respond to unlawful civil disturbances, civil disobedience and mass arrest actions. An officer who has received training in MFF techniques shall be designated as the MFF Commander. The MFF Commander shall be responsible for coordinated MFF actions at the direction of the Incident Commander. The MFF may be activated by the Watch Commander or any member of the Command Staff.

NO-NOTICE/UNPLANNED EVENTS

A No-Notice Event is spontaneous or unplanned civil disturbance or civil disobedience. There are three levels of response to these types of incidents:

Level I:

A Level I incident is one in which a small number of people have assembled who may become engaged in unlawful conduct. It shall be the responsibility of a Supervisor to respond to the incident. The Supervisor responding shall:

- Evaluate the occurrence;
- Notify the Watch Commander or designee of the nature of the incident;
- Request sufficient personnel to handle the matter;
- Activate Incident Command System and establish a Command Post if necessary;
- Identify a staging area.

Level II:

A Level II incident is one in which the Watch Commander or designee deems there are not enough on-duty personnel available to manage the incident. Under a Level II response, the Incident Commander may take any action outlined in Level I along with the following:

- Call back and deploy the Durham Police Department Mobile Field Force;
- Institute emergency call back or standby procedures (See GO 4021, *Unusual Occurrences & Critical Incidents*);
- Require off-going personnel to remain on-duty;
- Begin mobilization of Police Reserves;
- Request specialized units and equipment;
- Request the response of an assistant City attorney assigned to advise the Police Department;
- Notify the Patrol Services Bureau Commander.

Level III:

A Level III incident is one in which it is determined that a total mobilization of the Durham Police Department is necessary to control the situation. The Operations Bureau Commander can order a Level III mobilization. Upon implementation of Level III, the Operations Bureau Commander shall immediately notify the Chief of Police.

Any member making contact with another member for purposes of recall notification will provide the following information:

- Nature of the event;
- Assembly instructions;
- Name of the contact officer and the report location;
- Any special equipment needed.

NOTICE/PLANNED EVENT

A Notice Event is a planned civil disturbance or act of civil disobedience that the Department is aware of and may plan for prior to the specific event(s):

Level I:

A Level I incident is one in which a small number of people will assemble who may become engaged in unlawful conduct. It shall be the responsibility of a member of the Intelligence Unit to respond to the incident. The Criminal Intelligence Unit member responding shall:

- Evaluate the occurrence;
- Notify the Watch Commander or designee of the nature of the incident;
- Recommend sufficient personnel to handle the matter;
- The Watch Commander will activate Incident Command System and establish a Command Post if necessary;

- Identify a staging area.

Level II:

A Level II incident is one in which the Command Staff deems there are not enough on-duty personnel available to manage the incident. Under a Level II response, the Command Staff may take any action outlined in Level I along with the following:

- Create an Operations Plan based on behaviors likely to be encountered;
- Call back and deploy the Durham Police Department Mobile Field Force;
- Institute emergency call back or standby procedures (See GO 4021, *Unusual Occurrences & Critical Incidents*);
- Require off-going personnel to remain on-duty;
- Request specialized units and equipment;
- Request the response of an assistant City attorney assigned to advise the Police Department.

Level III:

A Level III incident is one in which it is determined that a total mobilization of the Durham Police Department will be necessary to control the situation. The Operations Bureau Commander can order a Level III mobilization. Upon implementation of Level III, the Operations Bureau Commander shall immediately notify the Chief of Police.

Any member making contact with another member for purposes of recall notification will provide the following information:

- Nature of the event;
- Assembly instructions;
- Name of the contact officer and the report location;
- Any special equipment needed.

MUTUAL AID AGREEMENTS

In the event mutual aid agreements have been put into effect, the Watch Commander or designee shall use other agencies' manpower primarily as support assistance. Outside personnel should be used to assist in processing, transporting and the detention of arrestees. If outside personnel need to be placed in the field, they should be paired with a Durham Police Department officer. Outside personnel will only initiate an arrest on their own when no Durham Police officer is available. This arrest restriction is to prevent outside personnel from becoming involved in possible lengthy legal proceedings outside their normal jurisdiction.

ORDER OF COMMAND

Order of Command during a Civil Disturbance shall be as outlined in General Order 1007, *Command Authority and Responsibility*. Any supervisor exercising his or her authority to assume command must directly communicate this desire to the current Incident Commander.

COORDINATING OPERATIONS

Whenever other emergency service agencies are involved, the Durham County Emergency Operations Plan (EOP) shall serve as a guide for coordinating operations.

SETTING UP A COMMAND POST

When responding to a civil disturbance where the Incident Command System has been activated, the Incident Commander will select a location to serve as the initial command post. The Incident Commander will have the Communications Center relay to all other responding agencies the location of the initial command post. A representative from each responding agency will be requested to report to the command post to establish lines of communication between the responding agencies. The Incident Commander will refer to the EOP and G.O. 4021 Unusual Occurrences & Critical Incidents to ensure compliance, and to review listed resources and personnel.

The Incident Commander will designate other Durham Police units that are to respond to the Command Post. The Incident Commander will assign specific duties and functions to these additional units in order to provide for the most efficient management and control of the situation. In the event that Tactical Command is to be given, it will be given to the Mobile Field Force Commander or their designee.

TRANSPORTATION OF PERSONNEL

Transportation of personnel from the established assembly location shall be the responsibility of this Department. Assembly locations will be selected that maximize equipment availability.

The Incident Commander may find it necessary to obtain additional spare vehicles for use during the incident. If spare vehicles are needed, then the Incident Commander will notify the Watch Commander of the need. The Watch Commander may then contact the Fleet Manager to request additional spare vehicles.

ASSISTANT CITY ATTORNEY

If requested, an assistant City attorney assigned to advise the Police Department will be requested to respond to the Command Post or detention/processing location.

TRAFFIC CONTROL

Traffic control within the city limits is the responsibility of the Patrol Services Bureau Commander. The Bureau Commander or designee will coordinate traffic control with other civilian and law enforcement agencies and, when necessary, will contact the City/State Transportation Department for placement of temporary traffic control devices.

PUBLIC INFORMATION MANAGER

Whenever a Level II or Level III incident occurs, it shall be the responsibility of the Public Information Manager to make appropriate news releases to the media. All other members will refer media representatives to the Public Information Officer. To control rumors and to avoid incorrect information from being disseminated to the public, the Public Information Officer will coordinate his or her releases with representatives of other agencies involved in the incident. All requests for information on injuries and deaths will be referred to appropriate medical personnel.

ARREST/CONFINEMENT PROCEDURES

In the event arrests are necessary, they will be carried out in accordance with North Carolina General Statutes. Juveniles and adults will be kept separated during the entire incident.

When the Incident Commander has exhausted all other reasonable alternatives to mass arrest, before issuing the arrest command, the Incident Commander shall request whatever additional manpower and equipment that may be needed in accordance with exiting Mutual Aid Agreements and the Durham EOP

It is the arresting officers' responsibility to ensure that all collectible physical evidence is gathered and properly processed for each subject arrested. The arresting officer shall, at a minimum, pat down all prisoners before transporting and again when turned over to a transporting officer.

The arrestee will then be placed in the transporting vehicle. Juveniles will be kept separate from adult offenders and transported separately.

Members of the Crime Scene Unit may be assigned in order do document damage and process any other evidence in accordance with the Forensics Division Standard Operating Procedures.

PREPARATION FOR MASS ARRESTS

Mass arrests require a coordinated effort by the Durham Police Department, Durham County Sheriff's Department, and the Magistrate's Office. The possibility of mass arrests should be anticipated and prepared for in advance whenever possible. If time permits, the formulation of an Operational Plan dealing with the specific unusual occurrence should be prepared.

In the event a van or bus must be used to transport a large number of prisoners, the Incident Commander will designate a Transportation Officer. The Transportation Officer will ensure that the proper number of officers is assigned to mass transport vehicles in order to provide appropriate levels of security and supervision of prisoners. Subjects under arrest are to be transported with their hands properly cuffed using standard handcuffs or department flex-cuffs.

DETENTION AND PROCESSING

Arrested subjects will be transported to the Jail/Magistrate's Office for processing.

In some very extreme circumstances, the current Jail/Magistrate's Office may be deemed 1) <u>either too small</u> or 2) <u>may not have enough staff</u> to accommodate large numbers of arrestees (the Incident Command will check with the Jail/Magistrate to verify whether or not they can handle your arrestees). To solve such problems, the Incident Commander should consider:

* Requesting the call-back of additional Detention staff or Magistrates.
* Setting up an alternate/temporary Detention facility for non-violent arrestees. Request that a Magistrate respond to that location to assist with the processing of prisoners. Some possible alternate sites are:
    - Durham Police Department Compstat Room and/or 1st Floor Classroom
    - National Guard Center, Stadium Dr
    - City Recreation Centers
    - Army Reserve Center

The following issues need to be addressed at any alternate/temporary Detention facilities:

* Magistrate: a magistrate must be available to assist with processing of prisoners.
* Security: a sufficient numbers of officers must be present to maintain facility security.
* Human Services: Water and sanitation needs must be present and readily available.
* Legal Services: If an arrestee is still under detention after processing, then a telephone must be available for the arrestee to use.

If a lawyer responds to the temporary detention facility to see a client, then arrangements must be made to permit an unmonitored and private visit of counsel and client. The Incident Commander will designate an officer to be in charge of each temporary detention facility. The officer in charge will select an unmonitored and private area to be used by attorneys and their client(s) without jeopardizing security

Medical treatment must also be available to those in need. In order to facilitate this, emergency medical personnel will be called to the detention facility when needed. Arrangements to feed those being detained must be addressed if the detention length extends beyond reasonable limits to go without food.

EMERGENCY AUTHORITY

In the event it becomes necessary to invoke emergency authority, the Chief of Police will request the mayor to declare a state of emergency as described in the EOP.

DE-ESCALATION

Procedures for de-escalation of the incident will be in accordance with the Command Post authority. The Incident Commander or his or her designee will determine what services may be reduced or stopped after the current situation is evaluated. Officers will be directly notified when they are relieved from emergency duty and may return to their regular assignments or go home.

POST-OCCURRENCE DUTIES

Unit supervisors, prior to deactivation and release of officers, shall conduct inventory and return of all equipment used during the occurrence.

AFTER-ACTION REPORTS

The responding officer assigned to the incident shall complete an Incident/Investigation Report. The Incident Commander shall designate an officer to maintain a log of the incident in chronological order. An after action report will be completed in accordance with G.O. 4021 *Unusual Occurrences & Critical Incidents*.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4023**

CIVIL DISASTER PLAN - RESCINDED

Effective Date: 12/15/1995	Revision Dates: R-1 05/20/1996; R-2 01/10/2005; Rescinded 11/26/2014

On November 26, 2014 this General Order was rescinded.

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4024**

REQUESTS FOR EMERGENCY ASSISTANCE FROM OUTSIDE AGENCIES - RESCINDED

Effective Date: 12/15/1995	Revision Dates: R-1 09/01/2002; R-2; 01/10/2005; **Rescinded 11/16/2009**

On November 16, 2009 this general order was rescinded.

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4025**

EMERGENCY OPERATIONS MANUAL - RESCINDED

Effective Date: 12/15/1995	Revision Dates: R-1 09/01/2002; R-2 01/10/2005; Rescinded 11/26/2014

On November 26, 2014 this General Order was rescinded. This topic has been incorporated into G.O. 4021 *Unusual Occurrences & Incident Command.*

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4026 R-2**

CANINE OPERATIONS

Effective Date: 12/15/1995	Revision Dates: R-1 01/10/2005; **R-2 11/30/2011**

INTRODUCTION

The Durham Police Department will utilize the Canine Program as a support function for general law enforcement responsibilities. Unit members should not be assigned as primary call-takers.

All Durham Police Department canines and canine activities will fall under the direction of the Central District Commander regardless of Division assignment.

INTERACTION BETWEEN POLICE PERSONNEL AND CANINES

Police personnel shall refrain from approaching, petting, feeding or agitating the dogs.

Physical contact between anyone and a canine handler could be perceived by the dog as an attack upon the handler and therefore shall be avoided in the presence of the dog.

The dogs are trained to apprehend on command fleeing suspects, or suspects which may be attacking the handler or the dog. Should an officer be confronted by a dog, the best tactic is to stand still, since any sudden movement or attempted flight may cause the dog to attempt apprehension. Under normal circumstances, officers shall not attempt to interfere with or call off a dog which has been given the command to apprehend by the handler. Should the handler become incapacitated and incapable of controlling the dog, another officer at the scene must take action to ensure that excessive force does not occur or that innocent persons do not become injured by the dog.

Should the handler be incapacitated in a motor vehicle accident in the patrol vehicle and the dog refuses access to the handler, the dog can be distracted by one officer while another officer pushes the sliding kennel door closed with a nightstick or other similar object, thus containing the dog in the kennel area.

CANINE HANDLER DUTIES

The principal duty of a canine handler is to serve as a support unit for Uniform Patrol and other Divisions as deemed appropriate. In this capacity, the canine shall be regarded as an item of special equipment. The canine is provided by the department to assist the officer in carrying out their duties more effectively.

Canine handlers are responsible for the safety and security of the dog at all times.

Canine handlers shall not transport prisoners.

REPORTING INJURIES INFLICTED

The canine handler shall immediately notify the on-duty Watch Commander if the canine bites or causes injury to any person other than the canine handler, whether on duty or off. Additionally, should the bite or other injury be inflicted in the line of duty, the handler must notify their immediate supervisor and comply with all requirements described in General Order 4008, “Use of Force.”

CANINE UTILIZATION

The canine team (handler and dog) may respond to crimes in progress, vehicle and foot pursuits, burglaries/alarms where building searches will be conducted and calls for assistance for a canine team. The team will also be available for assignment by DECC as a backup for primary response units. Only in emergency situations should canine teams be assigned traffic accident investigations or calls requiring investigative reports.

COMPENSATORY TIME FOR CANINE HANDLERS

Each canine handler will be compensated for the off duty training, care and maintenance of their assigned canine by being allowed to remain on duty for 10 hours and 47 minutes per workday, rather than the scheduled 12 hour and 8 minute workday. This allows for 30 minutes per scheduled workday, or 15 minutes per calendar day, regardless of duty status, for canine care and maintenance and 12 hours per calendar month for off duty canine training.

RETIREMENT OF POLICE CANINES

In the event a police canine can no longer be utilized because of age, health, injury, etc., the dog will be retired, relieving the department of all financial obligations pertaining to care and maintenance of the canine. The dog will first be offered to its most recent handler. If the handler declines to accept the dog, the Central District Commander may offer ownership to other department members or place the dog in the county animal shelter in an attempt to locate an adoptive home.

USE OF CANINE TEAMS DURING ON-DUTY HOURS

During regular duty hours, canine teams may be utilized for any operational purpose. If a canine team is on duty, it may respond at the request of the investigating officer. The requesting officer should make the request for canine assistance on the proper police radio channel.

CALL OUT PROCEDURES

If a canine unit is not on duty, the immediate supervisor of the requesting officer shall evaluate the circumstances of the incident and determine if a canine team is warranted. The supervisor may request through the Watch Commander that a canine team be called out. The Watch Commander must then evaluate the circumstances and if warranted, initiate the call out for the canine team. At the time of the request, the canine handler shall be advised of the nature and location of the incident, the nature of the canine service desired, and the name of the investigating officer in charge of the scene.

Upon arrival of the canine team, the investigating officer will contact the handler and will ensure that the handler is fully aware of the circumstances surrounding the incident and any dangerous conditions that exist. The canine handler shall be in charge of the area in which the canine is to be deployed.

No canine will be used outside the city limits of Durham for any reason without prior approval of the Watch Commander.

USE OF CANINE OFF LEAD / ON LEAD

The canine handler will determine whether a canine will be deployed on lead or off lead in any canine operation. This determination will be made in accordance with guidelines as outlined in the Canine Program Standard Operating Procedures and reflect methodology from approved training.

AREA AND BUILDING SEARCHES

When circumstances indicate that a person may be hiding in an outdoor area or in a building or similar structure, the investigating officer shall ensure the establishment of an adequate perimeter around the building. Upon arrival, the canine handler shall determine whether an attempt to search is feasible.

The canine handler shall decide whether or not and how many back up officers will be utilized in the search based on the particular circumstances of the situation.

No canine shall be released into a building without a warning being given to possible occupants. Such warning shall be given by the handler in a manner likely to be heard and understood by any person present. The warning shall identify the handler, instructions for surrender, and notification that a trained police canine will be released if the occupants fail to surrender according to instructions.

TRACKING OPERATIONS

Several factors must be present to conduct a successful tracking operation. By eyewitness account or positive inference, the handler must be able to determine the path taken by the suspect or person to be tracked, which is free and clear of contamination by other persons. On a criminal suspect track, the immediate establishment of a crime scene perimeter is essential. The officer in charge of the scene is responsible for establishing the perimeter.

The canine handler shall determine whether an attempt to track is feasible. Contamination, location, existing weather conditions, existence of a perimeter and amount of time elapsed shall be some of the determining factors.

The canine handler shall decide whether or not and how many back-up officers will be utilized on the track based on the particular circumstances of the situation. Other personnel should remain out of the immediate area to avoid contamination of scent patterns.

CRIMINAL APPREHENSION

The release of a police canine is regarded as a use of force and is appropriate when probable cause exists to believe that a suspect has committed a crime and the use of force is justified to effectuate the arrest.

Under normal circumstances no other police personnel should interfere with a police canine which has been committed to make an apprehension. Once an apprehension of a suspect has been effected by a canine, assisting police personnel should wait for the handler to call the canine off the apprehension and put the canine on lead before handcuffing is attempted.

ARTICLE / EVIDENCE SEARCHES

A canine team may be requested if there is reason to believe that a suspect has discarded an article and/or an instrument of a crime in a particular area. Police personnel should not contaminate the area to be searched by searching it prior to requesting and receiving canine assistance. The handler will determine whether an attempt to search is feasible. Police canines will not be used to search for discarded narcotics.

PUBLIC DISTURBANCES / CROWD CONTROL

Canine units will not be utilized for crowd control at the scene of any peaceful demonstration, picketing or congregation.

NARCOTICS SEARCHES

A canine may be used to detect the presence of hidden narcotics, specifically cocaine, marijuana, heroin and their derivatives. Canines may be used to search buildings, vehicles, packages, luggage, storage containers, lockers and any other area that may be used to conceal contraband. Police personnel should not contaminate the area to be searched by searching the area prior to requesting and receiving canine assistance. The handler will determine whether an attempt to search is feasible. Under no circumstances will a canine be used to search a person or to search for discarded narcotics.

In cases involving the execution of a search warrant, officers should secure the scene and contain all persons present in one area. Once secured, the canine team will enter and begin the search. As the search progresses, persons present will be moved to an area already searched by the team.

PUBLIC RELATIONS

Upon request, public canine demonstrations may be performed by a canine team. Requests for demonstrations should be referred to the Canine Unit supervisor or Commander.

ON DUTY TRAINING OF CANINE TEAMS

Daily training of the canine is strongly recommended and shall be permitted on duty. All canine teams are allotted twelve hours per month for on duty in service training. Each handler is responsible for the ongoing training of their assigned canine to maintain proficiency in all required tasks.

Training at an outside facility may be attended during a duty shift if prior approval has been given by the Canine Unit supervisor.

SELECTION OF CANINE HANDLERS

Handlers will be selected in accordance with GO 2014 with the following additional eligibility requirements.

- Attainment of an overall rating of meets or exceeds on the last annual Employee Performance Appraisals immediately preceding the application deadline.
- No disciplinary suspension of 24 hours or more for a period of one year from the date of the disciplinary action to the application deadline.
- Must be able to pass a physical agility test administered prior to the handler selection, Must live within a 25 mile radius of Police Headquarters, and

- Must reside in a home with ample space and yard to accommodate the canine and its kennel.

Officers selected for assignment to the Canine Program must also successfully complete initial canine handler training as provided by the Durham Police Department.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4027 R-2**

DELIVERING EMERGENCY MESSAGES

Effective Date: 12/15/1995	Revision Dates: R-1 11/01/1998; **R-2 01/10/2005**

INTRODUCTION

One of the most delicate and critical responsibilities of the Durham Police Department is that of informing various individuals of the death or injury of family members. The Durham Police Department is committed to carrying out this responsibility in a timely and sensitive fashion.

MESSAGES FROM INDIVIDUALS OR OTHER AGENCIES

When a request is received to deliver a message concerning a family emergency, Communications will obtain a telephone number at which the information is available and dispatch an officer from Uniform Patrol to deliver the message to call the number given for "a family emergency."

If there is a local number for the intended recipient, Communications may attempt to make contact and advise the subject there to call the given number for the information.

NOTIFICATION OF FAMILY OF DEATH OR SERIOUS INJURY

Upon arrival at the scene of a situation that involves a death or serious injury, the assigned officer will advise the District Supervisor of the situation. The District Supervisor will, if necessary, designate the death notification officers. Where there is a traffic incident that involves death or serious injury the investigating TACT officer will designate the notifying officers. If the Criminal Investigations Division is paged out to a homicide, the CID On-call Supervisor will designate the notifying investigators/officers. Whenever possible, teams of two officers will make these notifications.

If the next of kin lives outside of the Durham area and can be located, the District Supervisor will advise Communications by telephone. Communications will advise the agency that covers the geographical area in which the next of kin lives by use of the Division of Criminal Information (DCI) Terminal, and give the pertinent information.

For any case involving a member of the Durham Police Department, refer to the procedure in General Order 2015, "On the Job Injuries or Death."

RELEASE OF INFORMATION TO THE MEDIA

Only the Media Relations Coordinator, Incident Commander or Chief of Police (or designee) shall release any information regarding serious injuries or death to the news media.

DEATH NOTIFICATION PROTOCOL

The following is not meant to be used as a "script", but more as examples of wording to be used or avoided in death notifications:

- Whenever possible, a team of two officers should make death notifications.
- Present credentials (if not in uniform) and ask to enter the house or apartment.
- Sit down. Ask them to sit down, and be sure you have the nearest next of kin.
- Use the victim's name, i.e., "Are you the parents of "Name"?
- Never notify a child.
- Do not notify older siblings before notifying parents or spouse.
- Inform simply and directly with warmth and compassion.
- Do not beat around the bush with expressions like "expired," "passed away," or "we've lost."

Say: "I'm afraid I have some very bad news for you (pause just a moment, you are "preparing and predicting"). "Name" has been involved in a serious vehicular accident/shooting, etc., and he/she has died. (Pause again) I'm so sorry."

The "I'm sorry" is very important because it expresses feelings rather than facts and invites them to ventilate their personal reactions. Continue to use the words "dead" or "died" through the ongoing conversation. Continue to use the victim's name, not "body," or "the deceased."

Don't blame the victim in any way for what happened, even though he/she may have been fully or partially at fault.

What to Say:

- I'm so sorry. (Simple, direct, validating.)
- It's harder than most people think. (Validates, normalizes, encourages them to seek support.)
- Most people who have gone through this react similarly to you. (Validates and normalizes.)
- If I were in your situation, I'd feel very ___too. (Validates, normalizes, assures.)

What Not to Say:

Discounting Statements:

- I know how you feel. (You don't.)
- Time heals all wounds. (It doesn't.)
- You will get over this. (They will get better, but they will never "get over it.")
- You must go on with your life. (They will the best way they can, and they don't need to be told.)

- He didn’t know what hit him. (Unless you’re sure.)
- You can always find someone worse off than yourself. (Not at the moment.)
- You must focus on your precious memories. (Not now.)
- It is better to have loved and lost, then never to have loved at all. (They don’t believe that now.)

All of these discounting statements say, “I am not comfortable with you like you are. I need to make it better so I will feel better.”

Disempowering Statements:

- You don’t need to know that.
- What you don’t know won’t hurt you.
- I can’t tell you that. (If you can’t, explain why and when they can expect to have the answer.)

Religious Clichés

- It must have been his/her time.
- Someday you’ll understand why.
- It was actually a blessing because.
- God must have needed her more than you did.
- God never gives us more than we can handle.
- Only the good die young.

If survivors use their own faith beliefs to comfort themselves, that’s fine. But the Department should not burden them with these platitudes.

Unhealthy Expectations:

- You must be strong for your children/wife/parents. (Not true.)
- You’ve got to get hold of yourself. (No reason.)

Additional Concerns:

Answer all questions honestly.

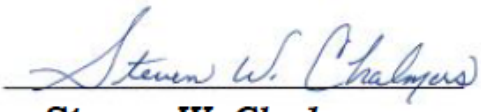
Talk to media only after informing the family about any intended statement. Families feel very betrayed to learn new things from the media that they have not been told. Warn them that television coverage will likely be highly dramatic and may be replayed for some time.

If identification is necessary, transport to and from.

Give information to Victim/Witness Assistance Program. Request that the victim's family be called the next day.

Remember:

- In Time;
- In Person;
- In Pairs;
- In Simple Language, with Compassion.



Steven W. Chalmers
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4028 R-5**

REPORT WRITING

Effective Date: 12/15/1995	Revision Dates: R-1 12/05/2003; R-2 10/08/2012; R-3 01/06/2015; R-4 08/26/2015; **R-5 02/01/2016**

INTRODUCTION

The accurate documentation of investigative and enforcement activities is essential to the mission of the Durham Police Department. Members are responsible for completing all reports and associated paperwork as prescribed by Department policies and, when not otherwise specified, in a timely manner. The records division is responsible for maintaining reports and associated attachments through the Department designated records management system. The Department will conform to all state and national report writing requirements.

INCIDENT REPORT NUMBER

Each incident will be issued a unique reference number that is generated by Communications via the Computer Aided Dispatching system. This number will be used on all related reports, supplements, forms and attachments pertaining to the case.

FIELD REPORTING SYSTEM

The Department utilizes a mobile field reporting system as the primary incident documentation system and master name index. The system is integrated with the Computer Aided Dispatch (CAD) system. The Department utilizes a separate system, maintained by the State for vehicle collision reports. Each system has manuals for the specific procedures to be used in the completion of the reports and the minimally required information to be completed.

All police officers and other designated individuals will be provided user names and logins for both systems. System user manuals should be referred to for questions regarding the system and trouble shooting. Any problems utilizing the system will be reported to the PD Helpdesk without delay.

Members of the Department will complete all required forms and reports on any incident and /or investigation to which they are assigned by the end of their workday, unless they have supervisory approval to submit the next day. All reports will be submitted prior to the submitting member going off duty on the last day of work, before the member is scheduled for one or more days off, regardless of whether these days off are due to taking leave or if they are due to the regular rotation of the officer's schedule. Any member assisting with an incident will complete a supplemental report in order to provide pertinent information or describe specific duties performed.

Not all responses by law enforcement officers will meet the below listed criteria for the creation and submission of reports. In the event that such a situation occurs, information regarding the citizen's complaint, dispatch/assignment of an officer or the initiation of an action by an officer will be documented in CAD.

OFFENSE INCIDENT REPORT (CODE 1)

The Offense Incident Report is used to record detailed offense information for law enforcement and public use. Data from the report is used as input for the required federal crime reporting reports. Specific details regarding the elements of the report can be found in the DCI Format Instructions (attachment 1). This report is required for:

- Misdemeanor and felony crimes requiring law enforcement investigation or action;
- Death investigations except negligent vehicle deaths;
- Hit-and-run driving collisions that results in death or personal injury;
- Other offenses, calls for service and incidents requiring law enforcement action or assistance.

The primary officer assigned to a complaint/case is responsible for completing the offense incident report unless otherwise directed by their supervisor. Supplemental forms will be used to document information obtained by additional responding officers and investigative follow-ups. In some instances, the lead investigator of a case will initiate the incident report (e.g. rape, bank robbery, homicide, etc.) and all other responding officers will document their activities on a supplemental report.

The Offense Incident Report may contain additional modules for officer to add specific information. These modules may include:

Vehicle Module

The Vehicle module is used to record detailed motor vehicle information. This module provides information for law enforcement and public use. It is required for:

- Motor vehicle thefts when the vehicle is also recovered. Stolen vehicles, but not yet recovered at the time of the original report is submitted are recorded on an offense incident report.
- Recovery of all motor vehicles, including those recovered for other jurisdictions
- Order a vehicle towed and/or stored because it is:
    - Abandoned/found;
    - Confiscated or impounded (including if as evidence);
    - Driver of the vehicle is arrested
    - Disabled, e.g. collision
    - Illegally parked
    - Causing a hazardous condition, blocking traffic, etc.

Other calls for service and incidents requiring law enforcement action or assistance which are best suited for reporting on a vehicle incident report. This report should not be used to for trailers, boats, trains, aircraft, and farm or construction equipment. The Property module will be used for these situations.

Property Module

The Property module report is used to record information concerning recovered or seized property. It is also used to report non-offense service calls such as found or lost property. Completion of the Property module is required:

- To record property or evidence turned into the property room;

- To report any property or evidence recovered or seized in any incident. If property or evidence is recovered incident to an offense, the property report will be generated during the completion of the offense incident report;
- To report property or evidence that was recovered for another jurisdiction;
- To report any property or evidence that is recovered, seized, or inventoried as contents of a vehicle. In some cases, the property module will be generated during the completion of the vehicle module;
- May be used in conjunction with the offense incident report to provide additional detail regarding minor larcenies or other property crimes involving more than two articles such as in cases that are being reported for insurance purposes only. If there are no more than two items to report, use the offense incident report;
- To be used as a supplement to the offense incident report for listing counterfeit or fraudulent documents;
- To record property that was stolen and recovered at the time of the original report.

Crisis Intervention Team Module

The CIT module is used to capture information and forward it to the Crisis Intervention Team for review and follow-up as needed: The report is required when:

- A CIT trained officer responds to a scene;
- An officer performs an involuntary committal;
- CIT Unit notification of the incident/individuals involved.

ARREST/DETENTION REPORT (CODE 4)

The Arrest/Detention report is used primarily to record information on arrested adult or juvenile persons and is required:

- For arrests of adults;
- When a juvenile commits a crime and is detained by police or taken into custody and turned over to investigators, the Juvenile Arrest report must be completed if the juvenile is:
    - Handled within the Department and subsequently released to parents or relatives, even if there is no formal court referral or action;
    - Referred to juvenile court or probation;
    - Referred to a welfare agency;
    - Referred to another law enforcement agency;
    - Summoned, cited or notified to appear in court for a violation of law.

FIELD CONTACT REPORT

The Field Contact Report documents information pertaining to an officer's investigative encounter with an individual that does not meet the criteria for an Offense Incident Report. Examples of situations where a Field Contact may be completed include the documentation of:

- Issuance of a trespass warning;
- Investigative contacts:

- Subject(s) in the area of a recent break-in;
- Subject(s) in the area of ongoing criminal activity;
- Subject(s) in a vehicle which may have been involved in criminal activity or possess items which may be stolen or used in commission of a crime;
- Persons who are or have been engaging in suspicious activities;
- Occupants of suspect or any occupied or unoccupied suspicious vehicle;
- Consensual contacts with validated gang members;

- Any other legitimate contacts which should be documented by officers.

Any observations that meet the criteria established in in G.O. 4048 – Guidelines for Exchanging Intelligence Information regarding the submission of an intelligence form should be done in accordance with that policy. A Field Contact report will not be used to submit intelligence information.

VEHICLE STOP FORMS

N.C.G.S. § 143B-903 requires that the Department keep statistics on traffic stops. All officers who make a qualifying vehicle stop must accurately complete and submit the SBI-122 form (Traffic Stop Report) to Records by the end of their shift. An electronic version of this form may also be used, if available. The EIS unit shall issue each officer an identification number to be used on each of these reports in the block titled "Officer ID". In addition, if using the paper form of this report, then officers must write their name and employee number at the bottom of the page.

The SBI-122 Traffic Stop Report Form is only required when the vehicle is stopped for traffic enforcement. A Traffic Stop Report Form is not required when the stop of a vehicle is based upon reasonable suspicion or probable cause of a non-traffic related offense. Examples: in response to a BOLO; an occupant of the vehicle is reasonably believed to have just committed a robbery and is fleeing the scene or an occupant of the vehicle is reasonably believed to have just engaged in a drug transaction and is leaving the scene.

For vehicles stopped at Checking Stations:

An SBI-122 form does not need to be completed, unless one of the following takes place:

- An arrest occurs; or
- A citation or warning ticket is issued; or
- A verbal warning is given; or
- Contraband is found; or
- Any property is seized; or
- A search of the vehicle, any of its occupants, or personal effects occurs; or
- Physical resistance by an occupant of the vehicle is encountered; or
- Any injury occurs; or
- Force is used against any occupant of the vehicle; or
- The circumstances surrounding the stop were the subject of an investigation.

COLLISION REPORTS (CODE 8)

Traffic collision reports will be completed using the North Carolina Department of Motor Vehicles Form in accordance with G.O. 4013 Traffic Collision Investigation. Specific details regarding the elements of the crash report can be found in the DMV 349 Instruction Manual.

REVIEW OF SUBMITTED REPORTS

All supervisors shall conduct an initial review of all reports submitted by their subordinates to ensure that they are submitted in a timely manner and contain complete and accurate information.

Semi-annually, unit commanders are responsible for reviewing the Traffic Stop Data for personnel under their command and ensuring that Department policies are being adhered to.

DISTRIBUTION OF REPORTS

Certain units within the Department are tasked with following up on reported incidents in accordance with their specific function. In order to assign reports appropriately, designated supervisory personnel will review the "Daily Bulletin" report in the Records Management System utilizing the appropriate sorting features for their unit to identify relevant incident numbers. Reports will be reviewed and a determination of whether or not follow-up by the unit is appropriate will be made. If the supervisor determines that follow-up is needed, the appropriate member will be provided with the incident number. Members having follow-up responsibilities have access to the Records Management System and can review reports and supplements.

Units responsible for follow-ups include:

- Criminal Investigations Division (CID)

  Follow-ups are assigned by type of crime to the appropriate CID unit.

- District Investigators

  Follow-up investigations that are not under the purview of the CID are conducted by District investigators. Assignments are made based primarily on the solvability factors identified in the report.

- Special Operations Division (SOD)

  Drug related or task force related reports may be followed up on by SOD, depending on the information contained in the report.

- Victim Services

  Follow-ups for victim and witness needs are done in accordance with G.O. 1032 Victim/Witness Assistance.

- Crisis Intervention Team

  Follow-ups for the crisis intervention team are done in accordance with G.O. 4007 Response to Individuals with Mental Illness.

Larry C. Smith
Interim Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4029 R-1**

LINE INSPECTIONS

Effective Date: 12/15/1995	Revision Dates: **R-1 12/05/2003**

INTRODUCTION

Each unit of the Durham Police Department will conduct regular line inspections (one that is carried out by personnel in charge of the employees, facilities, or procedures being inspected) using procedures appropriate to the structure and mission of the unit. Managers and supervisors at all levels shall participate in the responsibility for such inspections and for the correction of conditions discovered by the inspections.

Units that are entirely staffed with office-based civilian employees (such as records) shall be exempt from having to perform line inspections, though they may perform these inspections if they choose to do so.

INSPECTIONS GENERALLY

Within the Standard Operating Procedures Manual of each unit, there shall be a listing of the procedures to be used in conducting the line inspections of that unit, as well as a set of guidelines for producing written reports on the inspections and for carrying out follow-up procedures to correct deficiencies discovered during the inspections.

ROLL-CALL INSPECTIONS

In those units that have regular roll call, commanders will provide periodic inspections of officers for compliance with uniform and equipment regulations. Commanders will monitor such inspections and will be accountable for enforcing regulations within their command. They will maintain, in their Division Handbook, a set of specific procedures for conducting all aspects of such inspections and for reporting and correcting deficiencies identified during such inspections.

VEHICLE INSPECTIONS

ALL VEHICLES REGULARLY ASSIGNED TO ORGANIZATIONAL COMPONENTS SHALL BE INSPECTED ON A regular basis by the supervisors and managers of those units. Vehicle condition and presence of prescribed equipment shall be the basis for such inspections.

INSPECTIONS OF STORED PROPERTY

Commanders of specialized units that possess equipment and property routinely stored for use in emergencies and specialized situations are responsible for keeping that equipment and property in a state of operational readiness. Commanders shall hold regular inspections of such equipment and property and shall devise

published procedures within their units for reporting and correcting deficiencies identified during such inspections.

FREQUENCY OF INSPECTIONS

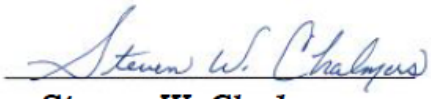
While the inspections described above should be carried out on a regular basis, frequently enough to be useful and effective, nothing precludes a commander from holding an unannounced inspection at any time as long as the inspection and the consequences of the inspection conform to the published procedures of his unit.

REPORTING AND DOCUMENTATION

After an inspection is completed, the supervisor shall submit a complete Line Inspection Report to the division commander. The commander will maintain these on file for three (3) years.

THE ROLE OF THE STAFF INSPECTIONS UNIT

The Staff Inspector will provide guidance, upon request, to line supervisors and also should be available to coordinate inspections within the agency.



Steven W. Chalmers
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4030 R-4**

HOSTAGE AND/OR BARRICADED SUSPECT INCIDENTS

Effective Date: 12/15/1995	Revision Dates: R-1 03/01/1996; R-2 09/01/2002; R-3 01/10/2005; **R-4 05/29/2017**

INTRODUCTION

Specialized personnel of the Durham Police Department (DPD) shall respond immediately to incidents involving a hostage and/or barricaded suspect. The primary goal is the safe release of all hostages and the successful termination of the operation without loss of life. This policy supplements G.O. 4021 *Unusual Occurrences &Incident Command* by specifying incident command procedures and considerations for hostage and/or barricaded suspect incidents.

DEFINITIONS

Arrest Team: A team of at least two officers that are prepared to take persons into custody. In the context of perimeter operations, the arrest team should have a plan that includes responding to both planned and spontaneous surrenders. The plan should include force option assignments, verbal command assignments, and identification of optimum location of arrest.

Barricaded Suspect Incident: An incident involving a non-compliant suspect that is subject to being taken into law enforcement custody, who has threatened or implied violence towards him/herself or law enforcement if attempts to effectuate custody are taken, and who has taken a position with a tactical advantage such as a structure or vehicle that would likely require forced entry or an open area that would require law enforcement to approach without the benefit of protective cover.

Emergency Reaction Team: A team of at least two officers that are prepared to react to predictable emergencies within the inner perimeter. In the context of perimeter operations, the emergency reaction team should have a plan that includes responding to officer/citizen rescues (officer down situation), and the imminent or in-progress harm to hostages. In the event that hostages are being harmed prior to the arrival of the Selective Enforcement Team, the emergency reaction team may need to establish control of the scene in a manner consistent with Active Assailant training. The emergency reaction team will need to develop a plan that considers manpower needs, forced entry/breaching capability, and specific conditions that would trigger action.

Hostage: A person held by force, or threat of force, against their will, and threatened with death or serious injury unless certain stipulations are met.

Hostage Incident: An incident where probable cause exists that there is at least one hostage, at least one hostage taker, and the hostage taker has means to cause death or serious injury to the hostage.

Hostage Taker: A person who is directly holding, or acting in concert or conspiracy with a person to hold, an individual hostage.

Inner Perimeter: The area of containment closest to the suspect. The intent of establishing containment is to reduce the possibility that the incident will impact people beyond the containment perimeter and to allow resources to be amassed and directed at effective resolution.

Outer Perimeter: The area of isolation that prevents outsiders from interfering with the hostage or barricaded suspect incident. The intent of establishing isolation is to reduce the possibility of indirectly threatened people being harmed, providing an environment conducive to a cohesive and focused response, and to enhance operational security.

Stand-off Distances: A security measure that focuses on positioning personnel to protect them from physical injury while a situation is resolved. The appropriate stand-off distance is determined by the known or anticipated threat from the scene such as small arms fire, explosives, HAZMAT, or other hazards.

INCIDENT COMMANDER

When a supervisor establishes that an actual or potential hostage or barricaded suspect situation exists, he or she will notify the Watch Commander. If unable to respond, the Watch Commander will ensure that a supervisor establishes Incident Command until an officer of higher rank can respond and assume command. As reasonably possible, the Incident Commander will:

- Initiate Emergency Officer/Citizen Rescues
    - Any officer or citizen that is in a position that is under direct threat from the scene and is in need of immediate evacuation should be the first priority for response.
- Establish Effective Inner Perimeter
    - Confirm Visual and Physical Containment
    - Consider using Patrol Riflemen and Canine Handlers due to increased stand-off capability
- Establish Incident Command Post
    - Identify an appropriate incident command post location considering stand-off distances, required security, and other hazards. If possible, the command post should be between the Inner and Outer Perimeter, and should not have line of sight to the scene.
    - Identify a staging area for tactical assets considering stand-off distances, required security, and other hazards. If possible, the staging area should be between the Inner and Outer Perimeter, should not have line of sight to the scene, and should allow for efficient access to the scene by assets at the staging area.
    - Identify safe routes to the command post and staging area
    - Designate a scribe to document the incident
- Establish Effective Outer Perimeter
    - Consider traffic and pedestrian access control
    - Consider preventing line of sight to Inner Perimeter
- Establish Immediate Action Teams
    - Arrest Team with sufficient personnel and plan (including force options, verbal direction, arrest location)

    - Emergency Reaction Team with sufficient personnel and plan (including triggering events, breaching capability, and defined objectives)
- Initiate Evacuations as Appropriate
    - Consider persons within the Outer Perimeter that may actively or predictably be in danger of being killed or seriously injured.
    - Consider Shelter-in-Place options
- Make Appropriate Notifications
    - Hostage Negotiations Team (HNT) – The Incident Commander will have the Durham Emergency Communications Center (DECC) contact the on-call Hostage Negotiator and the Hostage Negotiation Team Coordinator and have them respond to the Command Post.
    - SET - The Incident Commander will have DECC contact the Selective Enforcement Team (SET) and have them respond to the Command Post.
    - PAU - The Public Affairs Unit Manager will also be requested to respond to the Command Post to take charge of news media relations.
    - BCERT, EMS, Fire, DCSO HDU, CIT, Mutual Aid Resources (SWAT, Aviation, etc.), as needed
- Attempt to establish contact with suspect promptly, but do not negotiate unless required by the situation in order to keep the hostages and the community safe until the HNT team can take over.
    - Attempt to deescalate - Make no threats and use no intimidating phrases;
    - Gather and record tactical intelligence as possible;
    - Consider assigning an Intel Unit or CID officer as Intelligence Officer;
    - Complete accurate descriptions of hostages, suspects, and unknown others;
    - Develop threat assessment (consider history, weapons, crisis state);
    - Contact key holder and obtain floor plans/site plans;
    - Identify witnesses and associates that may have tactical intelligence.

COMMAND POST OPERATIONS

All outside agencies or persons requested to respond by the Incident Commander will provide a representative at the command post. The representatives will keep their particular personnel on the scene informed of their role and responsibilities, and will be available to assist the Incident Commander with information from their specialized field.

Outside agencies include, but are not limited to, other police agencies and fire and rescue personnel. Outside persons will include civilians with special or pertinent knowledge concerning the incident.

The Incident Commander will ensure that the District Commander is notified whenever a situation develops to the point of establishment of a command post and the response of specialized individuals and units.

NEGOTIATION PHILOSOPHY

The overall philosophy of DPD is one of “buying time” through the use of specialized communication by trained personnel.

As a general rule, the more time a suspect has to discuss and consider solutions for resolving conflicts, the greater the success rate for obtaining the peaceful surrender of the suspect and/or the safe release of any hostages. The saving of human life, whether it is the life of the hostages, the suspects, the involved police officers, or the innocent bystanders, is the primary goal in dealing with hostage and/or barricaded suspect situations.

All demands are negotiable, except for the following situations:

* Situations that would increase the firepower or deadly force capabilities of the suspect or suspects.
* Situations where the movement or relocation of the suspect(s) and hostage(s) poses an unreasonable further risk to the public.
* Trading of hostages.
* Controlled substances or alcohol. Medications that are prescribed for any hostage may be considered.

RESPONSIBILITY OF HOSTAGE NEGOTIATOR

The HNT Coordinator will be responsible for hostage negotiation needs and resources to ensure efficient and effective operations. The HNT Coordinator will act as an advisor to the Incident Commander.

RESPONSIBILITY OF SELECTIVE ENFORCEMENT TEAM

The Selective Enforcement Team (SET) Commander will report to the Command Post and act as an advisor to the Incident Commander. The SET Commander will advise the Incident Commander regarding resources and capabilities.

The SET Team Leader will be responsible for collecting and analyzing available tactical intelligence and establishing operational plans for resolution. Although these incidents are unique and therefore provide very specific conditions that must be considered when developing operational plans, there are certain overall objectives that can be applied to most responses.

Emergency Actions – The SET Team Leader will be responsible for developing an emergency response plan for any reasonably foreseeable contingencies. The SET Team Leader will discuss triggering events with the SET Commander. In the event that SET initiates an emergency assault or other emergency action, SET may use any Department approved weapon or device that is available to them in order to maximize the successfulness of their action.

Deliberate Actions – The SET Team Leader will be responsible for developing deliberate tactical options for resolution of the incident. The SET Team Leader will notify the SET Commander when these tactical options are available. In the event that SET initiates a deliberate assault or other deliberate action, SET may use any Department-approved weapon or device that is available to them in order to maximize the successfulness of their action.

PATROL SERVICES BUREAU RESPONSIBILITIES

Uniform Patrol will be initially responsible for all necessary operations relating to the management and control of the incident. As specialized personnel arrive and assume their specific duties, Uniform Patrol will be relieved of individual duties. The Incident Commander will manage Uniform Patrol committed to the incident.

The responsibility for securing and maintaining the outer perimeter will remain with Uniform Patrol throughout the duration of the incident.

PSYCHOLOGICAL SERVICES PROVIDER

A psychological services provider, under contract with the City of Durham, may be used during any phase of a hostage and/or barricaded suspect situation. The Incident Commander or HNT member will have the DECC contact the psychological services provider to respond to the Command Post if needed.

PUBLIC INFORMATION

A Public Information Officer (PIO) will be identified. The Public Affairs Manager will typically fill the PIO role; however another Department member may serve as the PIO. After obtaining an initial briefing, the PIO will establish a media briefing area away from the Command Post.

The PIO will obtain updated information from the command post at appropriate times, and will release information to the media in compliance with departmental guidelines. Identities of hostage(s) and suspect(s) will not be provided until the conclusion of the incident and after any necessary family notifications.

POST-OCCURRENCE DUTIES / AFTER-ACTION REPORTS

The Incident Commander will ensure that post-occurrence duties and after-action reports are completed following the conclusion of the occurrence. He or she will also schedule a critique of the incident.

ANNUAL REVIEW

Both the HNT Leader and the SET Commander will review this policy annually.

Cerelyn J. Davis
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4031 R-2**

INITIAL RESPONSE TO SEXUAL ASSAULTS

Effective Date: 12/15/1995	Revision Dates: R-1 01/10/2005; **R-2 04/26/2013**

INTRODUCTION

It is the policy of the Durham Police Department to begin investigation of sexual assault complaints as expeditiously as possible. A concerted effort shall be made to identify and apprehend the suspect, while at the same time, handling the matter with discretion and respect for the victim.

RESPONSIBILITIES OF THE UNIFORM PATROL OFFICER

The officer shall assess the extent of injury, if any, and summon an ambulance if necessary. The officer shall obtain ONLY enough information to establish that a crime did occur. (The officer SHALL NOT conduct an investigative interview of the victim). The officer shall then determine the need for crime scene investigators and/or police investigators through his or her supervisor in concurrence with the Watch Commander.

If there is no serious injury, the officer shall re-assure the victim that a patrol vehicle is available to transport him/her to the hospital, but shall request that they wait at the scene for the arrival of an investigator.

The officer shall obtain identifying information on the suspect and their vehicle, if possible, and broadcast all pertinent information over the primary police channel as soon as possible.

The officer shall secure and preserve the crime scene keeping in mind the victim is the most crucial source of evidence. The officer shall request the victim be relocated away from the immediate scene of the sexual assault. The presence of the victim or the officer in the area where the sexual assault occurred may add to the contamination of the crime scene.

If a crime scene investigator is not called to process the crime scene, an officer already involved with the investigation should collect the evidence at the hospital.

The officer shall remain at the scene to assist until relieved by the lead investigator.

RESPONSIBILITIES OF INVESTIGATORS

The lead investigator will determine from the initial responding officer, the location and condition of the victim. If the victim is still at the scene, the investigator shall request the victim accompany a uniformed officer or a person of his/her choice to a local hospital for a thorough medical examination. From an investigative standpoint, it is imperative that the victim agrees to a sexual assault work -up if there is even the remotest possibility that the case will go to court. The examination is important to the victim’s welfare because of the possibilities of undetected injury, pregnancy, and/or sexually transmitted diseases.

RESPONSIBILITIES OF FORENSICS PERSONNEL

The Crime Scene Investigator shall consult with the lead investigator to determine the course of examination of the crime scene and they will collect all evidence specifically requested by the lead investigating officer.

Forensics personnel shall provide the investigator with a written report of the findings and conclusions of the Forensics Services Unit.

PRESERVATION OF CLOTHING EVIDENCE

If the victim is in his/her home or close to her home, the investigator shall request for the victim to bring a change of clothes to the hospital so that his/her clothes may be retained as evidence. This is only applicable if the victim is still wearing the clothing he/she was wearing at the time of the assault. If the victim is not near home, the investigator shall suggest that a friend bring his/her clothing. If this is not possible, an officer shall take the victim home so he/she may secure more clothing before proceeding to the hospital.

MEDICAL EXAMINATION / SEXUAL ASSAULT WORK-UP

The transporting officer should prepare the victim for the chain of events that will occur at the hospital. The officer should explain the difference between a regular examination and a sexual assault work-up, but recommend the sexual assault work-up because it is more thorough and provides evidence necessary to press charges. The officer will inform the victim that a Rape Crisis Counselor is on-call 24-hours a day to assist the victim if he/she so desires. If the question of cost becomes an issue, the officer shall inform the victim that most medical insurance plans, including Medicaid, cover the majority of costs associated with a rape work-up. Victim Witness Services information will be provided to the victim for follow-up services pertaining to victim compensation.

ASSISTING VICTIM AT THE HOSPITAL

Upon arriving at a hospital of the victim's choice, the officer shall inform the emergency room personnel of the victim's status. The officer shall re-assure the victim that that transportation home will be provided if necessary. The victim may want a family member or friend to come to the hospital, and this should be strongly encouraged. If the victim so chooses, the uniformed officer should contact that person and briefly explain what the victim is going through and how to best assist and support him/her. The reaction of the victim's family or friends will have a major impact on the victim's ability to cope with the trauma of rape. Any reactions of disapproval, recrimination or guilt can do irreparable damage to the victim at this point.

FOLLOW-UP INTERVIEW

The investigator and victim should mutually agree upon a suitable time and place for a thorough interview/discussion of the events concerning the sexual assault. The Investigator should allow the victim to choose a support person to be present at the interview. All questions posed by the Investigator shall be phrased in the most diplomatic way possible while still allowing him or her to accumulate all essential facts. The Investigator will answer all questions of the victim as frankly as possible, particularly those concerning the difficulty of prosecution.

DOCUMENTATION

Uniform Patrol will be responsible for the completion of the Incident/ Investigation Report. All documentation for sexual assault responses will be the same as all calls to crime scenes. All actions and observations by uniformed officers prior to the arrival of the investigator also should be recorded on the incident report.

UNIFORM CRIME REPORTING GUIDELINES

On January 1, 2013, the Uniform Crime Reporting (UCR) definition for "forcible rape" changed. Established in 1927, the Federal Bureau of Investigation (FBI) originally defined rape as carnal knowledge of a female forcibly and against her will. The new definition for all incidents reported is:

> [The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.]

Under the previous definition, the suspect was required to be male. However, the new definition is gender neutral, for both persons, meaning male/female, male/male, female/male, and female/female are all possible suspect/victim combinations. Also, just as it was under the old definition, the phrase without the consent of the victim includes the inability to provide consent due to mental or physical incapacitation.

In RMS and MCT, the list of offenses for incident reports has changed as follows. The Part I offense of Forcible Rape remains unchanged. Officers will simply just start using the new definition when selecting this offense on incident reports beginning January 1, 2013. Belated reports for crimes committed prior to 2013 are unaffected. If the crime is reported to police starting in 2013, the new definition applies. The Part II Sex Offenses of Male Rape, Sexual Assault with an Object and Sodomy are repealed effective January 1, 2013. They have to remain in the offense list in order for historical reports prior to 2013 to be searched and display properly. However, their description has been modified to reflect they are now inactive. Note: the preceding classification changes are unrelated to N.C. General Statutes and have absolutely no impact on how a suspect is charged or prosecuted.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4032 R-4**

USE & PROCESSING OF CITATIONS

Effective Date: 11/01/1995	Revision Dates: R-1 01/10/2005; R-2 11/16/2009; R-3 10/01/2014; **R-4 11/07/2016**

INTRODUCTION

It is the policy of the Durham Police Department to apply the laws governing citations uniformly and in a non-discriminatory manner. North Carolina uniform citations will be completed according to N.C.G.S § 15A-302 and should be used to charge persons with infractions or misdemeanor offenses.

In cases where there will be multiple charges, motor vehicle law violations must be written on a separate citation from criminal offenses.

USE OF CITATIONS FOR MISDEMEANOR OFFENSES

In order to promote consistency in enforcement measures throughout the agency and to better utilize limited department and criminal justice resources, officers will exercise alternatives to arrest in the following circumstances:

- Misdemeanors where there is no danger to persons or property and where the suspect is identifiable having an address within a reasonable distance; or
- Misdemeanors where the suspect is not wanted on other charges or where the suspect is on parole or probation and the current charge would not cause a revocation of probation or parole. Offenses of this nature include simple affray, misdemeanor larceny, transfer of a price tag, mark merchandise, first degree trespass, second degree trespass, injury to real property and communicating threats; or
- Misdemeanor marijuana offenses where the subject has no previous criminal charges other than traffic offenses (excluding driving while impaired offenses), no outstanding warrants, valid identification in their possession, and there are no other accompanying charges.

The decision to issue a citation may be reversed by the officer if, for example, any of the following conditions are encountered:

- The removal of the person from the scene is necessary to prevent a breach of the peace; or
- The person has false, unreliable, or no identification; or
- Reasonable belief exists that the person to be cited does not intend to appear in court on the date and time specified.

When a person is cited for a misdemeanor, non-traffic charge, the officer will submit a Code 1 – Incident Report and a Code 4 – Arrest Report through the appropriate chain of command with the citation.

When a person is cited to court and no physical arrest is made, the following procedures are prohibited:

- Search of the person incident to arrest, unless consent is obtained. The threat of custodial arrest to obtain permission to search a person is duress and will not be used. However, nothing in this General Order prohibits the "frisk" of any person the officer has reasonable suspicion to believe is armed and dangerous.
- Photographs and/or fingerprints of the person cited without their consent.

JUVENILES

A citation CANNOT be issued to a juvenile. If the juvenile cannot be taken into custody, the juvenile must be released to a parent or guardian and the officer will file an Incident Report. Refer to GO 4036, Juvenile Handling Procedures for further guidance.

PROCEDURE FOR ECITATIONS

Officers who have access to the eCitation system are recommended to utilize this instead of handwritten citations when the circumstances of the situation allow. Specific procedures for completing the eCitation can be found in the eCitation User Manual published be the NC Administrative Office of the Courts Technology Services Division (Attachment 1). ECitations can be used for both traffic and non-traffic violations.

PROCEDURE FOR HANDWRITTEN CITATIONS

Non-Traffic Charges

If a citation charges a non-traffic violation, then the officer should mark through the listed violation section, and write "NON-TRAFFIC" in this space, so that the Clerk of Court's office files the charge appropriately. The officer shall also make sure to strike through the language of, "operate a (motor) vehicle on a (street or highway) (public vehicular area)."

Center Section

Leave the FILE section blank and enter the IR number in the upper right corner and the court date (city, day of week, month, day, time), number of charges (a maximum of two offenses on one citation). Enter the defendant's name (first, middle, last) and complete address.

Listed Violation / First Charge Section

Place an "X" in the appropriate box. Be careful to strike through the language in parentheses which is not applicable. Only one of the printed charges may be used as a first charge. A second charge must be inserted in the space provided.

If the first offense charged is not printed on the citation, place an "X" in the box to select the narrative portion of the citation and write the charge in appropriate language. The appropriate language for the more frequently used charges is listed on the inside of the citation book cover.

Second Charge Section

Insert the day of the week, time of day, month, and year. Be sure to use language which is consistent with the language of the statute when writing the offense. A non-traffic misdemeanor should always be inserted in this space.

Departmental Use Section

Enter the issuing officer's name, employee number, squad (or assignment), specific district and Durham Police. When completing area, weather, visibility, traffic and accident, refer to the front of the citation book. Insert the number of witnesses, name the chemical analyst, street number and name, intersection and driver's license and vehicle license information, using appropriate abbreviations.

Officer and Defendant Signature Section

Officers must affix their signatures here. Defendants may sign indicating that they received a copy of the citation. Alternately, the charging officer may note that the defendant did not sign the citation, but that it was still delivered to them.

Magistrate's Order, Plea and Verdict Section

This section is to be completed by a Magistrate, Clerk of Court, and/or Judge. Do not write in this section unless ordered to do so by a judicial official.

Notice to Defendant Section

Complete this section (located on the reverse side of the defendant's copy) by placing an "X" in the appropriate box and inserting the appropriate information.

Officer's Notes Section

This section (located on the left side of the front and reverse side of the officer's copy) is for the officer to note facts and circumstances for testifying in court**.**

Vehicle Identification Section

Enter this information on the reverse side of the officer's copy if the defendant's vehicle or license plate was stolen, false, borrowed, or improperly used.

Processing

Witnesses MUST be listed on the back of the first white copy of the citation in the appropriate section.

The original copy (white) is to be turned in to the Court Liaison Officer's box in the mail room.

The audit copy (yellow) is to remain in the citation book.

The defendant's copy (pink) is to be presented to the defendant at the time of the charge/arrest.

The officer's copy (white) is for such use as the officer determines, and is not required to be retained in the citation book.

CITATION BOOK ISSUANCE

Citation books will be ordered by and stored in the Supply Room and issued by Supply personnel to officers upon request. The number of books issued will normally be limited to two (2) books. The Supply Unit will maintain a log of the issuance and receipt of these books. Officers will be expected to turn in a completed book when requesting a replacement. Missing citations will be noted by the Supply Room staff and reported to the officer's supervisor.

VOIDING OR ADJUSTING GUIDELINES

It is within an officer's discretion to void/adjust any citation before issuing it. To do so, they must write "VOID" across all copies. All copies of voided citations are to remain a part of the citation book and returned to the Supply Room when the book is full.

Any Division or District Commander may instruct their subordinate officers by written memorandum to attempt to adjust or have a case dismissed when it is discovered that an error was made in the original placement of charges by the arresting officer. A copy of this written memorandum should be forwarded to the District Attorney.

No other employee of the police department, regardless of title or rank, shall request an officer to void, adjust, or have a citation dismissed.

Cerelyn J. Davis
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4033 R-2**

TRAFFIC CONTROL

Effective Date: 12/15/1995	Revision Dates: R-1 01/10/2005; **R-2 09/19/2014**

INTRODUCTION

It is the policy of the Durham Police Department to utilize traffic direction and control where and when necessary to ensure the safe and efficient movement of vehicles and pedestrians.

VEHICLE PLACEMENT

Upon arriving on the scene of an incident occurring on an interstate or freeway, officers should utilize the attached Highway Incident Management Parking Guideline whenever possible.

CITY TRANSPORTATION DEPARTMENT

The responsibility for analyzing vehicular and pedestrian traffic flow in determining appropriate traffic control devices and road design belongs to the City of Durham's Transportation Department. However, the Police Department has much input into the decision making process. Observations and suggestions concerning vehicular and pedestrian traffic may be forwarded at any time by any sworn personnel to the Transportation Department through the normal chain of command. The Transportation Department routinely requests input from the Police Department before implementing plans or making changes in established traffic flows.

REFLECTIVE TRAFFIC VESTS

All officers are required to wear their issued reflective traffic vest or their issued reflective rain jacket whenever they are directing traffic.

TRAFFIC CONTROL PERSONNEL

In accordance with N.C.G.S § 20-114.1, sworn law enforcement personnel, uniformed regular and volunteer firemen, uniformed regular and volunteer rescue squad members when in the performance of their official duties, and non-sworn traffic control officers appointed by the Chief of Police as school crossing guards are authorized to direct traffic upon the streets and public vehicular areas of the City of Durham. Sworn personnel are also authorized to direct traffic upon private property when and where it is necessary to ensure the safe and efficient movement of vehicles and pedestrians. In addition, fire and rescue squad personnel as well as appointed traffic control officers may regulate the flow of traffic on private property when performing their official duties.

MANUAL TRAFFIC DIRECTION LOCATIONS

Manual direction of traffic is the responsibility of the Patrol Services Bureau. Manual direction will be used in situations where traffic control signals or devices are not present or adequate. Emergency conditions may dictate the manual control of traffic. These include, but are not limited to: accidents, out of service signals, road construction and special functions.

SCHOOL CROSSING GUARDS

Scheduled school crossing guard assignments will be handled by non-sworn traffic control officers appointed by the Chief under the direction of the Community Services Unit, see GREAT Crossing Guard Job Description. In the event that an assignment cannot be covered by a school crossing guard, the Community Services Unit Commander is responsible for obtaining substitute coverage. Officers assigned to the GREAT Unit will be the primary back-up for this assignment. If a GREAT Unit member is unable to provide coverage, the Community Services Unit commander will coordinate with the appropriate patrol district supervisor to cover the assignment. Patrol officers assigned to work a school crossing guard detail are expected to remain on post (see GO 4033 Attachment – School Crossing Guard Locations) for the duration of the assignment. In the event that the officer needs to leave their post for an emergency dispatch or assignment, the patrol supervisor will be notified.

MANUAL TRAFFIC DIRECTION PROCEDURES

Manual direction of traffic by an officer will be handled in a manner that would enable drivers and pedestrians to recognize and respond to audible and gestured motions.

To Stop Traffic: An officer extends his arm outward with the palm toward the car to be stopped. The officer may use verbal and/or whistle commands to enhance the physical gesture.

To Start Traffic: Starting from the stop position, the arm will be moved at the elbow in a manner to indicate that the traffic may now proceed. This is done by swinging the arm upwards (from the elbow down) toward the direction in which traffic is to flow.

Right Turns: The officer shall gesture to the driver of a vehicle turning right to perform the turn by extending the arm toward the direction in which the turn is to be made.

Left Turns: These turns are to be made only when there is a gap in traffic or oncoming traffic is completely stopped. The officer will point in the direction of the turn when such movement can be made safely. Officers may utilize flashlights, the traffic wand, road flares and/or traffic cones while manually directing traffic. These will be used in a manner to enhance visibility and promote traffic safety. Officers should remain calm and professional whenever directing traffic. There are times when drivers and pedestrians do not understand officers or may refuse to obey such directions. The officer will handle these instances with courtesy and professionalism within the guidelines of accepted procedures.

TRAFFIC SIGNAL BOXES

In the event of a malfunctioning traffic signal, the signal may be manually placed in the “flash” mode. The officer assigned to check the signal or provide traffic control will request a supervisor who possesses a signal box key to respond and place the signal on manual “flash”. The Communications Center will be immediately advised of the signal placed on “flash” and will notify the Signal Shop of needed repairs. A written note explaining the problem in detail shall be left inside the signal box.

TEMPORARY TRAFFIC CONTROL DEVICES

For planned events that require barricades in order to restrict traffic based upon a permit issued to a group or organization, e.g. a parade or special event, planners are responsible and will be given instructions for renting the necessary barricades and equipment from a vendor.

Usually the barricades will be left at the requested locations in a disassembled state. The officers assigned to the event and/or location will assemble the barricade, put same in place and at the conclusion of the event, disassemble the barricade and place them in a manner and location similar to that which they were found for retrieval by Traffic Engineering or a vendor.

Portable and temporary stop signs may be used in emergency and/or special cases. Portable stop signs can be obtained through the City Sign Shop. Communications has on-call information for after-hours needs. In certain emergency situations, the use of portable stop signs may become necessary. If the initial responder has reason to believe that such devices may alleviate a potentially hazardous traffic situation, he or she must notify the Watch Commander of the situation, and obtain clearance to implement utilization of portable stop signs. If the use of the stop signs is authorized, the initial responder will pick up and put in place. The District Sergeant will ensure that the signs are removed as soon as possible after the initial problem is corrected or notify the oncoming supervisor that they are in place.

SPECIAL EVENTS

Pre-scheduled events that fall under the planning responsibility of the Police Department that may involve large amounts of vehicular and/or pedestrian traffic shall be addressed in an operational plan submitted by the appropriate District or Division Commander prior to the event. These may include parades, picketing, demonstrations and road races. The operational plan will be comprehensive and carefully planned to allow for normal and emergency activities to continue with a minimal amount of disruption.

The Police Department may provide for crowd control by the use of foot patrol, motorcycle officers and officers in patrol vehicles. Before utilizing on-duty personnel, paid off-duty personnel and/or the Police Reserves shall be utilized.

MEDIA RELATIONS COORDINATOR

The Media Relations Coordinator will release to the news media at the earliest possible date, information addressing changes or alterations to the normal flow and operation of vehicular and pedestrian traffic as the result of an upcoming special event or occasion.

FIRE SCENES

Officers on the scene of fires will assess the hazards present and take action to minimize further damage to property or life. These may include directing traffic and/or evacuating the immediate area. Officers on the scene will ensure that emergency vehicles have access to the area and will restrict entry by unauthorized vehicular or pedestrian traffic.

The Police Department will work with the Fire Department in handling emergency scenes and to develop and implement plans and procedures for such scenes. Volunteer firemen arriving in private vehicles will be permitted to park at the perimeter of the fire scene but not near the actual emergency scene unless conditions so permit or necessitate.

ADVERSE WEATHER AND ROAD CONDITIONS

Adverse road conditions may result out of many possible situations. These include accidental hazards such as downed power lines and debris or natural causes such as fog, ice and snow. Officers will be alert to changing weather conditions so emergency measures can be implemented. This includes calling out salt and sand trucks or snow plows. If emergency road crews are not already working, then officers will notify their appropriate supervisor of such problems so a determination can be made to call out the appropriate agency or department.

ROAD RESTRICTIONS & IMPEDING TRAFFIC

At times it may be necessary to establish an obstruction in the roadway, natural or man-made for the purpose of stopping normal vehicular traffic. When the need for this action arises, the Watch Commander or his or her designee will evaluate the available information and determine whether a roadblock is warranted DWI checking stations, and license checks are discussed in General Order 4012, Checking Stations and are not regulated by this General Order.

Safety of officers and civilians will be the primary concern in utilizing a road restriction. A decision to place a roadblock will be made considering several factors. These will include the number of officers available, seriousness of the known crime and/or danger to public safety. City vehicles should be used in establishing roadblocks. Civilian vehicles should not be utilized unless emergency considerations leave no other alternative.

The use of road restrictions will be documented in the CAD system, an incident report and/or an after action report (if applicable) that will be reviewed through the chain of command.

Should units be in pursuit, pursuing units must be advised of the roadblock and position of officers so that they have ample warning and distance to safely stop without being in the line of fire. Procedures and responsibilities regarding legal intervention utilized in pursuits are detailed in General Order 4019, Vehicular Pursuits.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4034 R-2**

SPECIAL EVENTS

Effective Date: 12/15/1995	Revision Dates: R-1 09/01/2002; **R-2 01/10/2005**

DEFINITIONS

Special Event - An activity such as parade, athletic contest, public demonstration, or an appearance by or presence of a VIP, which has been approved by the Chief of Police, designee or other proper authority.

VIP - "Very Important Person" This is a dignitary, famous personality, or any other person in need of special security as determined by the Special Operations Division Commander.

Special Events Coordinator – This is a police officer who is designated by the Uniform Patrol Bureau Commander and is responsible for receiving and reviewing Special Event applications.

EVENT RESPONSIBILITY

The Special Events Coordinator will receive and review special event applications and notify affected units or districts of events and dates. The Special Events Coordinator may at times find it necessary to refer some special events to the appropriate District Commander within whose district the event is to originate. If such a referral takes place, then the Special Events Coordinator will work with the District Commander to ensure that appropriate Police resources are allocated in order to make the event safe and successful.

EVENT PLANNING

The District Commander or his or her designee will conduct the planning meeting as needed, with the representatives of the agencies or private entities involved.

At a minimum the following are to be addressed:

- Two alternate routes of travel for VIP travel.
- Reconnaissance for these routes.
- Advance inspection of sites and facilities.
- Identification of emergency first aid systems on the scene, arrangements for staging of additional ambulances if needed and prior arrangements with existing medical facilities.
- Coordination plans with other entities at the command post during the event.
- Gathering and assignment of portable radios.
- In the case of VIP security, a method for the identification of non-uniform personnel.

- Intelligence gathering.
- Legal problems to be encountered.

OPERATIONAL PLAN

Some events may require the development of an operational plan. The Special Events Coordinator and the District Commander, or his or her designee shall, determine the need for a plan based on criteria such as size, nature, and location of event. Copies of the plan must then be provided to the Operations Bureau Commander, Communications and Chief of Police in a timely manner prior to the event. The plan shall include:

- A general overview of the event.
- Deployment and responsibilities of personnel.
- Anticipated problems to include traffic or crowd control.
- Logistical information.
- Tactics and strategies to be used.
- Evaluation measures.
- Critique plans.

DEPLOYMENT AND RESPONSIBILITIES OF PERSONNEL

During the formation of an operational plan, the following list of units may be considered for use in the plan:

Selective Enforcement Team

The Selective Enforcement Team will be responsible for route and building sweeps, and high ground security and will answer to the on-scene commander.

Intelligence Officer

The Intelligence Officer will gather advance information and will be responsible to the on-scene commander.

Public Information Officer

The Public Information Officer will handle information dissemination to the press/public and will be responsible to the on-scene commander.

Other Police Units

Other units or divisions not listed may be considered for use in the operational plan.

BRIEFING

The Special Events Coordinator and the District Commander, or his/her designee, will conduct a timely briefing with any affected personnel prior to the scheduled event, which may include:

- Intelligence update.
- Legal perspectives and any unique enforcement tactics.
- Position and assignment of personnel.

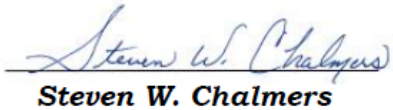
- Training or awareness information by any specialists.
- Equipment issuance and return methodology.

DEBRIEFING

Debriefing will occur as needed and will include:

- Problems encountered.
- Plans for the next similar event.

Operational plans and plans for future events, will be retained by the District Commander.



Steven W. Chalmers
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4035 R-2**

ESCORTS

Effective Date: 12/15/1995	Revision Dates: R-1 01/10/2005; **R-2 11/10/2010**

INTRODUCTION

Police escorts shall be provided by this Department on a limited basis. Most escort services are provided by the Traffic Services Unit. When a Traffic Services Unit officer is unavailable to provide an escort, the responsibility for providing the escort would be diverted to a Uniform Patrol district unit.

ESCORT TYPES

Requests for escort services that may be provided by the Department include:

- Funeral Escorts
- Dignitary Escorts
- Any other unusual circumstances as directed by a division commander or district commander.

FUNERAL ESCORTS

Requests for funeral escorts will be the primary responsibility of the Traffic Services Unit during their normal duty hours. The Traffic Services Unit supervisor will coordinate all funeral escort requests during this time.

If a request for a funeral escort is received and a Traffic Services Unit is unable to provide the escort, the escort will then be assigned to an available Uniform Patrol officer preferably within the district of the escort.

Funeral escorts provided by Uniform Patrol officers will be conducted in a safe and methodical manner. Department vehicles used in the procession will have on the blue lights, headlights, and emergency flashers at all times.

DIGNITARY ESCORTS

Requests for dignitary escorts by other governmental agencies will be forwarded to the Special Operations Division Commander. The Department will provide assistance after an operations plan has been agreed upon by both agencies.

OTHER ESCORTS

On occasion, requests for other types of escorts may be received. If such a request is received, it shall be forwarded up the chain of command for approval. These escort services must be approved by a division/district commander or higher. Examples of this type of escort include, but are not limited to, marches, parades, oversize vehicles and vehicles transporting hazardous materials. A district or division supervisor receiving a request for an escort of this type shall confer with the Traffic Services Commander prior to providing the escort if traffic service officers are to be utilized.

Officers will not provide emergency escorts of civilian vehicles. If a medical emergency exists, the officer will request the assistance of Emergency Medical Services to transport the subject with the medical need. Officers may assist civilians by providing transportation to a medical facility, if requested, obeying all traffic laws and signals while en-route.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4036 R-6**

JUVENILE HANDLING PROCEDURES

Effective Date: 12/15/1995	Revision Dates: R-1 04/15/2001; R-2 12/05/2003; R-3 01/10/2005; R-4 02/09/2010; R-5 04/06/2010; **R-6 12/10/2012**

POLICY

It is the policy of the Durham Police Department to handle juvenile matters in the most reasonable manner by taking into consideration the needs and best interests of the offender, as well as the need for protecting the Community. The responsibility for investigating juvenile incidents and participating in and supporting the Department's juvenile operations function is shared by all Department personnel, including the District Investigators and the Community Services Unit.

INTRODUCTION

The Durham Police Department is committed to the concept that the juvenile operations and delinquency prevention efforts are not limited to the activities of any one Division. All officers, especially patrol officers, should be familiar with the Juvenile Code found in Chapter 7B of the North Carolina General Statutes and should be familiar with the problems of abuse, neglect, delinquency, and undisciplined juveniles.

DEFINITIONS

Abused juvenile: Any juvenile less than 18 years of age whose parent, guardian, custodian or caretaker commits or allows any of the acts described in N.C.G.S. § 7B-101(1)(a) - (f).

Dependent juvenile: A juvenile in need of assistance or placement because the juvenile has no parent, guardian or custodian responsible for the juvenile's care or supervision or whose parent, guardian or custodian is unable to provide for the care or supervision and lacks an appropriate alternative child care arrangement.

Delinquent juvenile: A person under the age of sixteen and who is at least six years of age who commits any crime or infraction under State law or local ordinances, including motor vehicle law or who commits indirect contempt by a juvenile as defined in N.C.G.S. § 5A-31.

Juvenile: Except in the cases of delinquent juveniles and undisciplined juveniles, a person who has not reached his or her eighteenth birthday and is not married, emancipated, or a member of the armed forces of the United States.

Neglected juvenile: A juvenile who does not receive proper care, supervision, or discipline from the juvenile's parent, guardian, custodian, or caretaker; or who has been abandoned; or who is not provided necessary medical care; or who lives in an environment injurious to the juvenile's welfare; or who has been placed for care or adoption in violation of law. In determining whether a juvenile is a neglected juvenile it is relevant whether that

juvenile lives in a home where another juvenile has died as a result of suspected abuse or neglect or lives in a home where another juvenile has been subjected to abuse or neglect by an adult who regularly lives in the home.

Undisciplined Juvenile:

- A person under the age of eighteen and who is at least six years old, and who:
  - Is regularly disobedient to and beyond the control of the juvenile's parent(s), guardian(s), or custodian(s); or
  - Is regularly found in places where it is unlawful for a juvenile to be; or
  - Has run away from home for a period of more than 24 hours; or
  - * A person under the age of sixteen but at least six years of age who is unlawfully absent from school.

PRELIMINARY INVESTIGATION FOR JUVENILE OFFENSES

Whenever an officer has reason to report an offense involving a juvenile suspect less than 16 years of age, the officer shall complete an Offense/Incident Report and all required reports to include a Juvenile Contact Report whenever contact is made with the suspect juvenile and a juvenile petition, which can be located at www.nccourts.org. The petition must be signed by the officer and a notary or magistrate. The Juvenile Contact Report must also be completed for any contact with missing or runaway juveniles less than 18 years of age. These reports will be forwarded to the District investigations unit.

The officer initially assigned to the complaint will make a thorough preliminary investigation, using the same attention to details that is normally required in cases involving adult offenders. The officer will determine the need for an investigator to be called, a written report on the incident and, if appropriate, file a case report, memorandum, or other appropriate report.

JUVENILE PACKAGE

Whenever a member of the Department charges any juvenile with a criminal offense, a Juvenile Package shall be completed and submitted to appropriate District Investigation Division. District investigators are responsible for reviewing all juvenile cases and forwarding them to the Department of Juvenile Justice. Patrol Officers shall NOT submit juvenile petitions directly to the Department of Juvenile Justice.

CONTENTS OF JUVENILE PACKAGE

All Juvenile Screening Packages shall contain all applicable items of the following list:

- The Juvenile Package Checklist (Attachment 1);
- A copy of the Incident Report(s);
- The original Juvenile Petition(s) - Notarized or Signed by a Magistrate;
- A completed J- 4 (Juvenile Contact Form);
- A copy of any statements made by any victims, witnesses, or suspects, to include a copy of any rights waiver forms used;
- Any other available information or documents that would assist the DA's Office in understanding or prosecuting the case.

SUBMISSION OF JUVENILE PACKAGES

Juvenile Screening Packages shall be placed in an envelope with the following information written on the outside:

- The words "Juvenile Package"
- Charge(s);
- IR Number(s)
- Charging Officer's Name and Agency; and
- Date of Charge.

Juvenile Packages shall be submitted by placing them in the appropriate box at each District Substation. District Investigation Unit supervisors shall then be responsible for delivering the packages to the District Investigators.

Note: Completed packages must be submitted to the District Investigation Unit within 48 hours of obtaining notarized petitions.

CALL OUT OF DISTRICT INVESTIGATORS

A district investigator shall be contacted in the following cases:

- The crime is a felony;
- Officers cannot locate parents, guardians, or custodians;
- The identity of the juvenile is unknown;
- The juvenile is an out-of-town runaway;
- The juvenile is an escapee from a training school;
- The juvenile is a victim of a sex offense.

If a District Investigator is needed during regular business hours, the investigating officer's supervisor will contact the CID Sergeant, who will assign an investigator to the case.

If a District Investigator is needed during non-business hours, the Watch Commander shall request the on-call Investigative Sergeant be contacted through Communications.

In cases involving both adult and juvenile offenders, the officer's Sergeant or Watch Commander, if during non-business hours, shall request that District Investigators are called.

DISCLOSURE OF INFORMATION

Information regarding juveniles is considered sensitive and disclosure of information is limited. Investigating officers can share this information with other law enforcement agencies and their respective officers who are investigating crimes involving juveniles. Sharing information regarding a juvenile suspect with persons not investigating or directly involved with the associated crime is prohibited. In some instances, information may be withheld from the victims and suspects involved.

Disclosure of information concerning any undisciplined or delinquent juvenile under investigation or a juvenile alleged to be within the jurisdiction of the court that would reveal the identity if that person is prohibited except that publication of pictures of runaways is permitted with the permission of the parent or as provided in N.C.G.S. § 7B-3102.

When completing accident reports, treat any juvenile in the same manner as an adult.

CUSTODY PROCEDURES

An officer may take a juvenile into temporary custody without a court order under the following circumstances:

- Grounds exist for the arrest of an adult in identical circumstances under N.C.G.S. § 15A-401(b); or
- Reasonable grounds exists to believe the juvenile is an undisciplined juvenile; or
- Reasonable grounds exists to believe the juvenile is an absconder from any residential facility operated by the Department of Juvenile Justice and Delinquency Prevention or an approved detention facility.

When a juvenile has been taken into custody, the officer must take the juvenile to the Criminal Investigations Division or to a juvenile detention facility without any unreasonable delay, unless the juvenile is in need of medical treatment.

When an officer takes a juvenile into custody without a court order, the officer must notify the child's parents, guardian, or custodian that the child is in custody and that they have a right to be present until the decision is made to release or detain the child.

An officer may take a juvenile into temporary custody with a court order. The officer should notify the parent, guardian or custodian of the juvenile as soon as possible and transport the juvenile to a juvenile detention center or other approved location.

RUNAWAYS

Runaways shall be handled in the following manner:

- Local runaways under the age of eighteen can be taken into temporary custody and returned to their home; if no one is at home, the officer shall contact a District Investigator for direction;
- Out of town runaways under eighteen years old may be taken into temporary custody. Upon taking the juvenile into custody the officer shall contact the parents, guardian, or custodian of the child and request that they come to Police Headquarters to obtain the child. If more than three hours will be required for the subjects to respond to Police Headquarters, a District Investigator will be contacted to place the child in secure custody;
- Being a runaway eighteen years of age or older is not a violation in the State of North Carolina and no action can be taken. Runaway juveniles from out of state shall be treated the same as an in state runaway under the age of eighteen.

PROTECTIVE CUSTODY

A person who takes a juvenile into custody without a court order shall proceed as follows:

(1) Notify the juvenile's parent, guardian, custodian, or caretaker that the juvenile has been taken into temporary custody and advise the parent, guardian, custodian, or caretaker of the right to be present with the juvenile until a determination is made as to the need for non-secure custody. Failure to notify the parent that the juvenile is in custody shall not be grounds for release of the juvenile

(2) Release the juvenile to the juvenile's parent, guardian, custodian or caretaker if the person having the juvenile in temporary custody decides that continued custody is unnecessary.

(3) According to N.C.G.S. § 7B-500-501 and upon determination that the juvenile is "abused, neglected, or dependent and that he/she will be injured…" the person having temporary custody shall communicate with the director of social services for placement of the child.

INTERVIEW PROCEDURES FOR JUVENILES

The interviewing officer shall explain all procedures to the juvenile (and their parents/guardians) being interviewed.

Interview procedures will be consistent with all applicable provisions of General Order 4005 – Advice and Waiver of Rights.

Interviews of a juvenile should be limited to two interviewers and last no longer than two (2) hours without a break lasting a minimum of fifteen (15) minutes. The interview shall cease upon the request of the juvenile or the juvenile's lawyer.

DISPOSITION OF JUVENILES TAKEN INTO CUSTODY

The officer should utilize the best course of action for the juvenile's welfare. These actions can include the following:

- Release to parents, guardian, or custodian and no action taken;
- Release to parents, guardian, or custodian where the parents take corrective action;
- Counseling conducted by the officer to provide assistance in corrective action (station house warnings);
- Referral to an agency to provide assistance in corrective action for the juvenile's behavior;
- Secure custody, which should be done as a last resort, and after consideration of the criteria listed in N.C.G.S. § 7B-1903. These factors include, but are not limited to:
    - The juvenile is charged with a felony and has demonstrated that the juvenile is a danger to property or persons; or
    - The juvenile has demonstrated that the juvenile is a danger to persons and is charged with either a misdemeanor at least one element of which is assault on a person or a misdemeanor in which the juvenile used, threatened to use, or displayed a firearm or other deadly weapon.
    - The juvenile has previously failed to appear for juvenile court hearings, or the officer has information that the juvenile threatens, plans, or prepares to flee the area.
    - The juvenile is an absconder from any residential facility operated by the Department of Juvenile Justice and Delinquency Prevention or any other detention facility in this State or any comparable facility in another state.
    - The officer is unable to accurately identify the juvenile.
    - The juvenile is not a resident of the area.
    - The juvenile has a serious previous record.
    - There is reasonable cause to believe the juvenile should be detained for the juvenile's own protection because the juvenile has recently suffered or attempted self-inflicted physical injury.

If secure custody is warranted, the officer should contact a District Investigator for assistance. Juveniles shall not be transported to and secured at the magistrate's office without a court order.

DIVERSION GUIDELINES

District Investigators shall consider the following guidelines when deciding whether or not a case should be taken to the juvenile court counselor. These guidelines are:

- The nature of the offense;
- The age of the juvenile;
- The alleged offender's record and the current probation status, if any;
- The juvenile's and his/her parent's attitude and willingness to cooperate in the investigation;
- The availability of community based alternative programs;
- Recommendations for diversion by the complainant or victim.

ISSUANCE OF CITATIONS TO JUVENILES

Juveniles, under the age of 16, shall not be issued citations at any time. If a circumstance exists where an adult would be issued a citation, the juvenile shall be released in a matter stated above and a report of the incident forwarded to the District Investigations Division.

A District Investigator will then consult with The Chief Court Counselor in the Juvenile Court System as per N.C.G.S. § 7B-1700 for court or alternative action.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4037 R-2**

INITIAL RESPONSE TO CHILD ABUSE / NEGLECT / DEPENDENCY CALLS

Effective Date: 12/15/1995	Revision Dates: R-1 01/10/2005; **R-2 01/31/2013**

INTRODUCTION

It is the policy of the Durham Police Department to respond to reports of child abuse, neglect, and dependency, providing immediate assistance as necessary and subsequent referral to appropriate personnel for follow-up investigation and services.

DEFINITIONS

Abused Juvenile - any juvenile less than eighteen (18) years of age whose parent or other person responsible for his care:

- Inflicts or allows to be inflicted upon the juvenile a serious physical injury by other than accidental means; or
- Creates or allows to be created a substantial risk of serious physical injury to the juvenile by other than accidental means; ; or
- Uses or allows to be used upon the juvenile cruel or grossly inappropriate procedures or devices to modify behavior; or
- Commits or allows to be committed a violation of any of the laws listed in N.C.G.S. § 7B-101(d); or
- Creates or allows to be created serious emotional damage to the juvenile; or
- Encourages, directs or approves of delinquent acts involving moral turpitude committed by the juvenile.

Neglected Juvenile - Any juvenile less than eighteen (18) years of age who:

- Does not receive proper care, supervision or discipline from his or her parent, guardian, or other person responsible for his care; or
- has been abandoned; or
- is not provided necessary medical or remedial care; or
- lives in an environment injurious to his welfare; or
- has been placed for care or adoption in violation of law.

Dependent Child - A juvenile, under the age of 18, who is in need of placement, special care or treatment because:

- there is no parent or guardian to be responsible for the child; or
- the child's guardian is unable to provide supervision or care.

CASES REQUIRING MEDICAL TREATMENT

If the child is in need of medical treatment, the officer shall notify the Durham Emergency Communications Center (DECC) that an ambulance is needed. The officer shall accompany the child to the hospital and complete an Incident Report to be referred to the Criminal Investigations Division. The officer should, if possible, arrange to have the parent, guardian, or custodian accompany the child to the hospital.

If the parent, guardian or custodian resists the officer's attempts to secure medical treatment for the child, the officer shall contact a Special Victims Unit Investigator and a Department of Social Services Protective Services worker. The officer shall wait until the Special Victims Unit Investigator and the Protective Services worker arrive at the scene before taking the child to the hospital if at all possible, unless the child is in need of immediate medical attention.

If a physician calls the Police Department to report a suspected case of child abuse or child neglect and the child's parent, guardian, or custodian resists medical treatment for the child and/or attempts to remove the child from the medical facility, the responding officer shall call for a Special Victims Unit Investigator and Protective Services worker.

If a Special Victims Unit Investigator is required after regular business hours, the on-call CID supervisor shall be contacted. The on-call CID supervisor shall then contact an appropriate investigator.

CASES NOT REQUIRING MEDICAL TREATMENT

Officer(s) responding to a call which involves suspected child abuse or neglect where the child is not injured seriously or otherwise in immediate danger should complete an Incident Report to be referred to the Criminal Investigation Division for follow-up. If the child is in immediate danger but does not require immediate medical care, a supervisor will be notified and General Order 4036 shall be followed to determine the need for protective custody or other necessary action to protect the wellbeing of the child

PHOTOGRAPHIC EVIDENCE

The responding officer shall request the Forensic Services Unit to respond and collect photographic evidence for any victim of suspected child abuse or neglect.

ABANDONED CHILDREN

When an officer finds a child who has been left alone without appropriate care and supervision, and the officer reasonably believes that the child is consequently at risk of injury, the officer may take temporary custody of the child and shall immediately contact the Department of Social Services Protective Service for directions on further custody and care. A Special Victims Unit Investigator should not be called in such a case.

Once the disposition of the child has been determined, the officer must fill out an Incident Report to be referred to the Criminal Investigations Division for follow-up.

In the event a parent invokes the Safe Harbor Law, the officer will proceed as follows:

The “Safe Harbor Law” is found in N.C.G.S. § 7B-500. Essentially, it states that law enforcement (as well as other identified groups) shall take temporary custody of a child under 7 days old voluntarily delivered to them by the child’s parents who do not express intent to return for the child. The Officer may inquire as to the parents’ identities and any relevant medical history but must advise the parents’ that they are not required to provide this information. A supervisor and social services should immediately be contacted.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4038 R-2**

PARKING TICKETS

Effective Date: 12/15/1995	Revision Dates: R-1 10/17/2002; **R-2 01/10/2005**

INTRODUCTION

It is the policy of the Durham Police Department to have clear and concise guidelines for handling parking tickets. This includes the issuance, writing, submission, payment, adjustment and voiding procedures.

The Durham Police Department's policy regarding the voiding of parking tickets will be one of reasonableness.

ISSUANCE OF PARKING TICKET BOOKS

Officers will check out and sign for parking ticket books from the Supply Room at headquarters. Uniformed officers below the rank of Sergeant assigned to the Patrol Bureau, Downtown Patrol, and Traffic Services are to obtain parking ticket books. Completed parking ticket books must be returned to the Supply Room with the officer copy attached.

WRITING PARKING TICKETS

Parking tickets will be written in clear and concise printed letters with all applicable spaces filled in. A ballpoint pen will be used with sufficient pressure to print legible copies. A separate parking ticket will be printed for each offense. A second violation will require a separate ticket.

When an officer has written either the license plate number or make of vehicle on the ticket, the ticket will be considered complete for purposes of voiding. Tickets will not be preprinted for date or any other required information before a violation is observed. Officers must complete the ticket in its entirety. If the offense is "other", the officer must describe the offense and enter the amount of the fine.

The issuing officer will place the parking ticket in a conspicuous place where the driver can observe the ticket upon approaching or entering the vehicle. In the case of an automobile or truck, the ticket should be placed under the windshield wiper blade on the driver's side of the vehicle.

When placing a ticket on a motorcycle, it should be placed in such a manner as to attract the attention of the operator.

EXCEPTIONS

Tickets will not be issued for overtime parking on the following days:

- Sundays;

- New Years' Day;
- Independence Day;
- Labor Day;
- Thanksgiving Day;
- Christmas Day; (and)
- Any other day designated by the Chief of Police or his or her designee.

Other exceptions for prohibiting parking enforcement may be made by the District Commander for his or her respective district or by the Watch Commander in cases of extremely short notice. Exceptions may be for special events, funerals or other activities deemed appropriate. Care should be exercised so as not to compromise the public safety, such as allowing fire hydrants to become blocked, etc.

SUBMITTING COPIES OF TICKETS

The original (top, white) copy will be turned in through appropriate procedure as with other reports on a daily basis.

The officer's (middle, yellow) copy is to remain in the book and must be turned into Supply before being issued another book.

The original and violator copies of soiled, defaced, or unusable tickets will be submitted through Police Records personnel to City Hall for proper accounting. The yellow copy will be noted "unusable, submitted to City Hall."

REQUESTING THE VOIDING OF PARKING TICKETS

A Durham Police Officer can request that a parking ticket that he or she has written be voided if there is justification. The following guidelines are provided, but should not be considered the exclusive reasons for requesting the voiding of tickets:

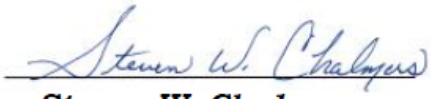
- Disabled vehicle - Operator must show cause of disablement and that immediate assistance was sought;
- Emergency illness - Such as a medical doctor on a call;
- Police or Fire vehicles engaged in emergency official business;
- Stolen vehicle or license plates;
- Defaced, illegible, or missing regulatory signs;
- Error in issuance;
- Court jurors and witnesses.

The above list is a guide and does not limit the ability to request the voiding of parking tickets by the proper persons under the reasonableness philosophy.

The only personnel authorized to request the voiding of a parking ticket will be the issuing officer or his or her commander. The request must be done prior to the ticket being submitted to Records.

Once a parking ticket is written and the issuing officer intends to request the voiding of that parking ticket, he or she must write the reason for the request on all copies of the ticket, give the vehicle operator the violator copy of the ticket and send the original (top) copy to the Citation Appeal Adjudicator for consideration.

If an officer makes and error while writing a parking ticket that would require writing another ticket correctly, the original and violator copies of the erroneous ticket should be attached to the original copy of the correct ticket and both submitted for accountability.



Steven W. Chalmers
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4039 R-4**

POLICE DEPARTMENT FACILITY SECURITY

Effective Date: 12/15/1995	Revision Dates: R-1 09/01/2002; R-2 07/25/2003; R-3 12/05/2003; **R-4 02/09/2010**

INTRODUCTION

It is the policy of the Durham Police Department to maintain secure facilities owned or leased properties including headquarters, satellite properties, and all substations. The Planning Unit will be responsible for the Access Control and ID Card programs. Managers at all locations will be responsible for coordinating security for their areas of responsibility with the Planning Unit.

ACCESS CONTROL PROGRAM

The Planning Unit is responsible for the administration of the access control program. This includes both mechanical and electronic locking systems. This responsibility includes designing the elements of the system, and creating, issuing and controlling department access control devices, including keys, access cards, and access key fobs. The Planning Unit shall also be the liaison with DECC and city support departments on all issues having to do with the access control program.

Electronic Access

The Planning Unit will issue all Department members and DECC staff one access control device in the form of an ID card, at Department expense. An additional access control device, a key fob or card, may be obtained at the member's own expense and activated by the Planning Unit. The Unit will also replace cards or fobs that were lost or damaged due to normal use, negligence or abuse. When the Planning Unit is not available, DECC may provide emergency replacement of an access control device to Durham Police Department employees. The access device will allow entry to selected areas of police facilities based on job function or visitor status.

The following activities are prohibited:

- Use of an access control device that is assigned to anyone else;
- Giving, lending, or otherwise transferring control of your assigned access control device to anyone else;
- Modifying, bypassing or defeating any part of the access control system.

Mechanical Access

The Planning Unit will coordinate key issuance and lock configurations for doors within police facilities. Keys will be issued based on authority and need. To the extent possible, keys will be cut to allow entry into all areas within the recipient's area of responsibility, but multiple work keys may instead be issued at the discretion of the Planning Unit.

Keys are the property of the department and must be surrendered to a supervisor upon demand or returned upon change of assignment or termination. Members may be held financially responsible for replacing lost keys or re-keying parts of the building left at risk due to such an eventuality.

The following activities are prohibited:

- Use of keys without the express permission of the authorized owner
- Modifying, damaging or defeating any mechanical access device

IDENTIFICATION (ID) PROGRAM

All employees of the Durham Police Department will be issued a photograph identification card at the time of hire and after each title/rank change. Sworn members will be issued two (2) identification cards, one for their badge case, and one with electronic access control capability.

Any employee requesting a new ID must complete an Identification Card Application form, which acknowledges responsibilities for receiving identification and access. Any employee who loses an identification card must notify the Planning Unit immediately and may be charged for the value of the replacement card.

The identification cards are the property of the Durham Police Department and must be returned to the Department by the employee upon their separation from the Durham Police Department for any reason.

While in any City facilities, Durham Police Department identification cards shall be worn by all non-uniformed Department employees. Non-uniformed personnel must display the ID card or badge in an obvious manner on the outer garment while in police headquarters, whether the employee is on or off duty. Employees in a patrol uniform need not display their ID card, but must present one upon demand.

DURHAM EMERGENCY COMMUNICATION CENTER EMPLOYEES

DECC occupies space on the third floor of police headquarters and its employees are allowed access to the building by way of certain exterior entrances. Employees of the Communication Center are issued an ID card with a different template to that of Police employees. These ID cards are also obtained through the Planning Unit. By agreement with the PD, their ID card must be conspicuously attached to the outer clothing while in the building.

VISITORS TO POLICE HEADQUARTERS

Employees will ensure that all visitors will enter headquarters through the front entrance. Any visitor requiring access beyond the front desk will register with the Desk Officer. Before allowing a visitor to go beyond the lobby area, the Desk Officer will notify the appropriate unit that a visitor is requesting access and/or wishes to speak with a particular individual. After the unit has been notified, the visitor will sign-in and be given a visitor’s pass to be attached to the exterior of their clothing. A member from the desired unit will escort the visitor to the appropriate floor, or authorize the Desk officer to send the visitor up in the elevator. Once the visit is complete, the person will be directed back to the lobby area. The visitor will be required to sign out and return their visitor’s pass prior to leaving the building.

Certain visitors whose identity and/or purpose are obviously legitimate, i.e. City Manager, Assistant City Manager, Mayor, City Council members, regular building repair persons, etc., have been issued ID cards with limited access and are not required to sign in at the front desk.

Members of other police agencies attending training classes held in the police building are exempt from the daily sign in and escort requirements, if coordinated by the Training Division.

Desk Officers may use their discretion in modifying the sign-in procedures outlined above when confronted with a situation out of the ordinary, such as a large tour group escorted by a Department member.

The area beyond the Main desk in the HQ lobby, including the bathroom facilities, are not areas of general public access and entry is prohibited.

Media Representatives

Media personnel are classified as visitors and as such will be issued visitor's passes. These passes must be affixed on the outer garment in an obvious manner. Media representatives shall not go beyond the reception area of each floor unless authorized by the Chief of Police (or designee) or escorted by a member of the Durham Police Department.

SURVEILLANCE VIDEO AND SECURITY ALARM SYSTEMS

The Planning Unit will coordinate the design and implementation of alarm systems and closed circuit TV to enhance the access control programs. HQ building alarms annunciate at the front desk. In the event of an alarm activation within headquarters, the desk officer will:

- Notify DECC to immediately dispatch Uniform Patrol personnel to investigate, and
- Notify the appropriate Division/Unit Commander or designee to reset the alarm.

Video files will be overwritten as the hard drive storage reaches capacity unless it is requested for investigative purposes.

OTHER ALARMS

In addition to the above alarms, there is a Freon detection alarm on the landing of the sub-basement stairwell. An activation indicates a risk of asphyxiation from a leak.

In case of activation of this alarm, the Desk Officer will:

- Notify DECC to immediately dispatch the Fire Department to investigate, and
- Notify the on-duty or on-call General Services mechanic.

There is also a high water alarm in the sub-basement of the Headquarters building. Sub-basement flooding can affect the electrical and telephone/data systems within the building and de-activate security systems. The indicator for this alarm is located in the lobby near the door to the stairwell. In case of activation of this alarm, the Desk Officer will:

- Notify DECC to immediately dispatch a patrol officer to investigate, and
- Notify the on-duty or on-call General Services mechanic.

FIRE ALARMS

When a fire alarm is activated, the Desk Officer will notify DECC to dispatch the Fire Department. The Desk Officer will attempt to notify the on-duty or on-call General Services mechanic and a member of the Planning Unit. A Knox Box will be maintained at the HQ loading dock containing access devices to non-evidentiary

areas of the building. In the event that evidentiary areas must be accessed for fire response, the Desk officer will contact on-call members.

SECURITY MANAGEMENT

The Desk Officer is authorized and expected to initiate the appropriate police action in the event of a breach of security in the lobby area, on the grounds, or any other area within the officer's notice or control. The Desk Officer will secure all outside entrances and all areas on the first floor by 1800 hours daily, and control after hours entrance directly via remote control doors and by monitoring closed circuit TV. Alarms within HQ will annunciate at the Main Desk, and the Desk Officer will initiate response to activations.

Each Division Head or designee will be responsible for securing individual doors at the end of the workday for their respective divisions. Supervisors at substations and satellite properties will assure their facilities are appropriately secure.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4040 R-3**

TRAFFIC LAW ENFORCEMENT

Effective Date: 12/15/1995	Revision Dates: R-1 03/01/1996; R-2 12/05/2003; **R-3 05/29/2017**

INTRODUCTION

It is the policy of this Department to enforce the North Carolina General Statutes concerning traffic law in a consistent, impartial and efficient manner. The two major objectives of a traffic stop are to take appropriate enforcement action, and to favorably alter the violator's future driving behavior. The attainment of these two objectives depends upon the officer's ability to evaluate the violator's mental outlook, physical condition, and facts concerning the violation. This requires a thorough understanding of human relations and demands flexibility on the part of the officer. Officers should make every effort to minimize conflict which may develop between the officer and violator during traffic stops.

ENFORCEMENT ACTION

Officers are expected to take appropriate action when traffic violations are witnessed or reported to them. All enforcement actions will be done in a consistent, impartial, and courteous manner using one of the following methods; discretion will generally be given to the officer to reasonably determine the most appropriate enforcement action based upon the totality of the circumstances, including but not limited to, severity of the offense, conditions at the time of the offense, driver history and experience, and cooperation:

- *Arrest* - Officers will generally effect the arrest of any person in violation of those traffic laws pertaining to driving while intoxicated; and those violators who reside out of state unless subject to the interstate compact.
- *Citation* - The issuance of a traffic citation is most often appropriate for those violators who commit a minor misdemeanor traffic offense which jeopardizes the safe and efficient flow of vehicular and pedestrian traffic, whether those violations are moving, parking, or safety and equipment violations, pursuant to N.C.G.S. § 15A-302. See also G.O. 4032 *Use & Processing of Citations.*
- *Warning* - A warning, verbal or written, is most often appropriate whenever there is a minor traffic infraction, equipment violation, or a violation of which the driver may not be aware or have inadvertently committed. See also G.O. 4042 - *Warning Tickets.*

UNIFORM TRAFFIC ENFORCEMENT

Appropriate uniform enforcement action for traffic violations is important. The ultimate aim of traffic law enforcement is to achieve voluntary compliance with traffic laws and regulations thereby enhancing public safety. To achieve this goal, policies and procedures to be followed include:

- *Driving While Impaired*: Officers will generally arrest any driver found to be under the influence of alcohol and/or drugs. Arrests will be in accordance with G.O. 4043 - *Driving While Impaired Procedures & Guidelines*.
- *Other hazardous violations*: Consider the degree of the hazard, place, and previous accident history of location.
- *Equipment violations*: Consider the continued safe operation of the vehicle and the general condition of the equipment, as well as the type of equipment defect. Most equipment violations should be handled by issuing a written warning ticket.
- *Off-road vehicle*: Generally, off-road vehicles (e.g., dirt bikes, mini-bikes, ATV's) are held to the same legal standards as other motor vehicles. Specifically, registration, financial responsibility and equipment violation are quite common when these vehicles are operated on any roadway, and further, two and three wheel off-road vehicles have additional eye protection and helmet use requirements.
- *Pedestrians*: Prior to any substantial increase in enforcement directed toward pedestrian traffic, sufficient publicity will be conducted by the Department's administration. Officers will concentrate their efforts in areas where pedestrian accidents have been frequent and/or severe.
- *Bicycles*: The use of bicycles is governed by many of the same laws that govern vehicles. In areas where congestion and frequency of traffic accidents involving bicycles is predominant, those laws pertaining to the proper operation of bicycles shall be strictly enforced.
- *Public carrier/commercial vehicle violations*: These should be handled in the same manner as private passenger vehicles, with the exception of enforcing those laws which apply only to these specialized vehicles (for example, standard of .04 versus .08 for DWI offense).
- *Other non-hazardous violations*: Consider warning unless repetitive or flagrant.
- *Multiple violations*: May cite all, if deemed necessary, but normally charge the most serious violation and warn on others.
- *Newly enacted laws*: A grace period may be established by law, the Department, or other governmental entities during which only warnings shall be given. Following any imposed grace period, the officer will use discretion in accordance with this and any other applicable policies.
- *Parking violations*: When enforcing parking violations, particularly in residential areas, the officer should first attempt to correct the. The owner should be contacted if the vehicle is parked close to the owner's residence. If, after reasonably attempting to contact the owner, compliance is not achieved, a citation and/or warning ticket should then be issued. If an immediate hazard is caused by the violator, a citation should be considered and a concerted effort to contact the owner of the vehicle should be attempted before the vehicle is towed. Blocking a roadway is sufficient reason for the vehicle to be towed if the operator cannot be located in a timely manner. See G.O. 4038 - *Parking Tickets* and G.O. 4044 - *Towed and Stored Vehicles.*

VISIBLE TRAFFIC PATROL

Normal traffic enforcement involves visible traffic patrol by officers who observe and handle traffic violations during the performance of their normal duties. There are four (4) types of traffic patrol which can be utilized:

- *Area Patrol*: This involves traffic enforcement within the officer's assigned area of responsibility.
- *Line Patrol*: This involves traffic enforcement on a particular section of roadway.

- *Directed Patrol*: Supervisors can specify enforcement efforts in an area, on a line patrol, or at a specific location, at a specific time for a specific violation, depending on the nature of the hazard/violation being enforced.
- *Stationary Observances*: Either covert or overt, stationary observance may be used as a technique to make observations about the flow of traffic at a particular location. Officers are encouraged, when completing reports or doing other activities which will keep them out of service for a short while, to park their patrol vehicles in a conspicuous location, where the presence of the vehicle will serve to remind the other drivers of the need for compliance with traffic laws. District and Watch Commanders may consider, if sufficient vehicles are available, the parking of a "ghost" car at an appropriate location. Enforcement which requires the use of an unmarked vehicle or covert location may be the most expedient way to handle a particular problem.

JUVENILE OFFENDERS

If the driver of the car is a juvenile, he/she should not be issued a citation, but should be dealt with according to normal juvenile procedures. If the driver is operating with a Learners' Permit and is accompanied by a licensed driver, then the licensed driver may be cited for allowing the unlicensed driver to violate traffic laws.

INFORMATION ON CITATIONS

At the time a motorist is charged with a violation, the officer will provide the motorist with a copy of the citation, which will include:

- The date, time, and location of the scheduled court appearance. Juvenile offenders will be advised that the Juvenile Court will initiate the contact with them at a later date.
- Information relative to the specific charge.

Officers will indicate on the citation whether or not a court appearance in response to the charge is mandatory or if the appearance may be waived. Prior to giving the citation to the violator, the officer will verify that the instructions regarding appearance and, if applicable, waiver instructions are legible on the citation.

Questions regarding the citation will be answered to the best of the officer's ability and the motorist should be referred to the courts for questions regarding court appearances, scheduling or payment.

DRIVING RECORDS OF CERTAIN TRAFFIC OFFENDERS

All officers who arrest or cite a suspect for any violation involving impaired driving or driving while license revoked shall properly complete a DMV DL-49 form and turn it in to the Records Unit so that the suspect's driver history information is obtained from the DMV. DMV will send this information to the Court Liaison, who will make this information available to the court during any proceedings involving the violation(s) charged.

VEHICLE STOP FORMS

All officers who make a qualifying vehicle stop must accurately complete and submit the SBI-122 form (Traffic Stop Report) to Records by the end of their shift. See also G.O. 4028 - *Report Writing.*

Cerelyn J. Davis
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4041 R-4**

RESPONSES TO BIOLOGICAL, CHEMICAL & EXPLOSIVE HAZARDS INCLUDING WEAPONS OF MASS DESTRUCTION

Effective Date: 12/15/1995	Revision Dates: R-1 09/01/2002; R-2 01/10/2005; R-3 11/03/2014, **R-4 08/26/2015**

INTRODUCTION

The Durham Police Department uses the following definition, as provided by the Federal Bureau of Investigation (F.B.I.) and 18 U.S.C. 921 (a) (4), when describing a weapon of mass destruction. The term "destructive device" means:

> Any explosive, incendiary, poison gas, bomb, grenade, rocket having a propellant charge of more than four (4) ounces, missile having an explosive or incendiary charge of more than one (1) quarter ounce, mine or similar device.

In addition to the above definition, "destructive device" shall also be defined as:

* Any weapon involving any disease or organism; or
* Any weapon that is designed to release radiation or radioactivity at a level dangerous to human life.

GOVERNING AUTHORITY

N.C.G.S. § 15A-285 Non-law-enforcement actions when urgently necessary.

When an officer reasonably believes that doing so is urgently necessary to save life, to prevent serious bodily harm, or to avert or control public catastrophe, the officer may take one or more of the following actions:

(1) Enter buildings, vehicles, and other premises.

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

(3) Exercise control over the property of others.

An action taken to enforce the law or to seize a person or evidence cannot be justified by authority of this section.

INCIDENTS OF MASS DESTRUCTION AND/OR TERRORISM

Police Unit Responsibilities

The dispatched officers shall proceed to the scene without lights or siren. They should call 10-23 (arrived at the scene) two blocks before reaching the scene. All officers except the supervisor will turn their two-way radios off (both mobiles and portables). The supervisor, and the Watch Commander if present, will carry his/her radio at the scene but will not transmit unless there is an emergency.

Each dispatched officer on the scene shall have in their possession the following Personal Protective Equipment (PPE):

- Issued Air Purifying Respirator (APR), see GO 4080, Respiratory Protection Program;
- Level B hazardous materials suit;
- One pair of butyl gloves;
- One pair of butyl boots.

Each Uniform Patrol officer shall have their issued APR readily accessible. Hazmat bags containing one level B hazardous materials suit, one pair of butyl gloves and one pair of butyl boots are assigned to each individual line car in each district.

The donning and/or doffing of any personal protective equipment for Durham Police personnel on the scene will be done at the discretion of the Incident Commander.

Supervisor's Responsibilities

The supervisor:

* Shall respond to all incidents of mass destruction and/or terrorism.
* Shall ensure that the Incident Command System has been implemented. Based upon incident complexity, the supervisor may implement a Unified Incident Command System to incorporate various agencies.
* Shall contact the complainant, without physical contact (This may be done via telephone or written message.)
* Shall have the on-duty Watch Commander contact the Durham Police Department's Bio-Chemical Emergency Response Team (BCERT) team leader (An active on-call roster, determined by the BCERT, will be provided to and kept by Watch Commanders.)
* Will not allow any personnel into the Warm (Contamination Reduction) or Hot (Exclusion) Zones of an incident that have not been properly trained in O.S.H.A. standards.
* May request the Durham Police Department's Mobile Support Unit (Mobile One) for rehab purposes as well as a unified command post.
* Shall have other patrol units respond and secure the inner and outer perimeter, allowing only emergency vehicles to enter and exit.
* Shall utilize a fire department officer as the Staging Officer.
* Shall operate from the Durham City/County Emergency Operations Plan for Terrorism/Civil Disorder.

SUSPICIOUS LETTERS/PACKAGES

The Durham Emergency Communications Center will dispatch the appropriate units according to established protocols for suspicious packages.

Suspicious package calls within the City of Durham are dispatched to a Durham Police Department district line car and appropriate supervisor. The calls are screened by law enforcement personnel to determine if the letter or package presents a legitimate threat. At this point, BCERT personnel do not respond but may be contacted via telephone or requested to the scene for a threat assessment or consultation.

If necessary (due to citizen concern), the law enforcement officer shall take possession of the item using the State Bureau of Investigations (SBI) guidelines and using appropriate personal protective equipment. The citizen shall be advised by the responding officer that the item will be held for 60 days and subsequently destroyed. A property voucher shall be completed at Durham Police Headquarters and submitted to BCERT. . The collected property shall be placed in the biohazard locker on the loading dock at Durham Police Headquarters. The letter or package will be kept for a minimum of 60 days before being destroyed.

If the initial responding officer and/or supervisor determine that the letter or package warrants further investigation by BCERT personnel, the Watch Commander will contact on-call BCERT personnel to respond to the scene. (See "Call Out Procedures" below).

For credible threats, a full BCERT response will include:

* Primary fire unit for the district;
* Fire Department Battalion Chief
* Fire Department HAZMAT Unit (as determined by the Battalion Chief);
* Durham County Paramedic (Advanced Life Support) Unit;
* Durham County EMS Supervisor;
* Durham Police BCERT;
* Durham Police Selective Enforcement Team (SET) Supervisor;
* Durham County Emergency Management.

Within the city limits, the Battalion Chief will assume command from the first arriving unit until the entry has been completed and evidence gathered. At that point, command will transfer to law enforcement. During the incident, the BCERT Team Leader may assume responsibilities as HAZMAT Operations.

Outside the city limits, the county fire department officer will assume command from the first arriving unit, and the Battalion Chief or BCERT Team Leader will assume the HAZMAT Operations position until the entry has been completed and evidence gathered. At that point, command will transfer to the law enforcement agency with presiding **JURISDICTION.**

CALL OUT PROCEDURES

BCERT Technicians may be called out to examine, handle, transport, and/or dispose of any of the following:

- Received suspicious letters or packages containing unknown solid, liquid or powder material;
- Suspicious devices (in conjunction with appropriate bomb technicians and bomb disposal unit);
- Letters or suspicious packages containing a written threat, with or without a suspicious substance;

- Suspicious letters or packages that may contain a radioactive material;
- Any use or threatened use of a weapon of mass destruction;
- Any solid, liquid or powder material that needs immediate identification to protect life or property.

DECONTAMINATION

If an officer feels that he or she has become contaminated, the officer should notify the on-scene Safety Officer as soon as possible and wait for decontamination instructions. When a patrol car or any other police vehicle is contaminated the unit goes through a gross decontamination at the scene and is then driven to the City garage for a full decontamination. The officer will go to the pre-determined decontamination area at the garage and follow the directions at the decontamination line.

BOMB THREATS

Communications Responsibilities

Communications Center personnel will, in accordance with their policies and procedures, obtain and relay the following information:

* Location of the device
* Time of detonation
* Description of the voice of the person making the threat
* Name of the caller and call back number

Communications will also advise the complainant to secure the exits as best as possible to prevent anyone from entering the structure. They will then dispatch the following (Code 2):

* Police officers and supervisor
* Fire Department and HAZMAT Team (reference BIO/CHEM incident)
* EMS
* On-call Biological-Chemical Emergency Response Team (B.C.E.R.T.) leader
* On-call Selective Enforcement Team (S.E.T.) supervisor
* Bomb Technician (Durham County Sheriff's Department or the State Bureau of Investigation)
* Durham County Emergency Management

In addition, Communications will notify the following:

* Durham Police Department Watch Commander,
* Durham County EMS Supervisor, and
* The telephone company to determine the location of the caller.

Police Unit Responsibilities

Evacuation of the Building

Once the building has been evacuated, the people evacuated will be instructed to remain at least one thousand (1000) feet from the building. If the person in charge does not want the premises to be evacuated or searched, he

or she will be advised of the potential danger involved. After being so advised, and he or she still does not want the premises searched, all police and fire units may leave the scene at the discretion of the ranking officer present.

If the person in charge of the building refuses to have the premises evacuated but requests a search, then the fire units will stand by until the search is completed.

Search of the Building

The officer in charge at the scene will ask employees or other persons who have knowledge of the premises to volunteer to assist in the search. If the threatened building is a business that has small valuable items on display (i.e., a jewelry store), a senior member of the firm should accompany officers conducting the search.

In coordinating a premises search, suggested procedures include the following:

* Personnel involved in the search should be familiar with and have keys to the premises;
* All search personnel should be cautioned to look for anything that is unfamiliar or out of place in a given area, and not to touch or disturb any suspicious or unfamiliar packages or containers;
* Begin the search on an outside perimeter and work toward the inside. Once inside, begin at the lowest floor level and work up to the top floor. If the roof of the building is accessible, it should also be searched;
* Pay particular attention to electrical vaults, telephone closets, utility areas, public access areas, lobbies, and unattended and unclaimed vehicles;
* Searchers should be in pairs;
* If a bomb is not found in the search, or if an explosion has not occurred within thirty minutes after the reported detonation time, the person in charge of the premises will be told that the building has been searched and that a bomb has not been found. Re-entry of the building will be at the discretion of the person in charge of the building.

*NOTE: The Fire Unit Crew at the scene will not participate in the evacuation or search but will stand by to be immediately available in the event of a fire or explosion.

IF A BOMB IS LOCATED

If a bomb or any other suspicious object is found, it will not be examined or touched by anyone besides a trained Bomb Technician. The Incident Commander will be made aware of its location and will order the following:

* Occupants of the building will be evacuated immediately with or without the permission of the person in charge of the building (N.C.G.S. § 15A-285);
* Officers at the scene will open all doors and windows and then evacuate immediately;
* All areas within one thousand (1000) feet of the building will be evacuated and sealed off;
* A Bomb Technician shall be notified immediately (See “Call Out Procedures” below);
* If a detonation time has been given, all officers and other members of the search party will move, and remain until the scene is safe, at least one thousand (1000) feet from the building before detonation time
* Notification of ranking officers, including the Chief of Police.

VEHICULAR BOMB THREATS

When the target of a bomb threat is a vehicle, a Bomb Technician and/or bomb detection K9 should be called out to conduct the search. Only trained personnel should conduct vehicle searches due to the extreme associated hazards. Bomb Technicians will not normally conduct any other types of bomb threat searches.

CALL OUT PROCEDURES

Bomb Technicians may be called out to examine, handle, transport, and/or dispose of any of the following:

* Found or recovered explosives or incendiary devices;
* Suspicious item which is thought to be an explosive or incendiary device;
* Hoax or fake explosive or incendiary device;
* Military ammunition or ordnance items, regardless of their physical condition;
* Civilian ammunition, ordnance, or pyrotechnic items which are damaged or deteriorated to such an extent as to make safe handling questionable;
* Stored explosive evidence to be destroyed according to existing evidence disposal procedures.

Bomb Technicians will also be called to search any vehicle that is the target of a bomb threat or to conduct post blast searches to assist in evidence location, identification and collection.

A supervisor shall evaluate the circumstances surrounding the incident. If the use of a Bomb Technician is warranted, the supervisor will notify the Watch Commander, who will advise Communications to contact the County Bomb Technician.

If any suspicious package/container is located, the supervisor/incident commander will also ensure that the BCERT team leader is contacted.

At the time the call-out is initiated, the responding technician should be advised:

* of the location of the incident;
* the nature of the service required; and
* the name and a contact number (cellular, etc.) of the officer making the request.

Immediately after arriving on the scene, the supervisor or Incident Commander shall provide the County Bomb Technician or other responding technician with pertinent information regarding the location of the bomb or suspected bomb and any other available information.

If the County Bomb Technician is unavailable, the Incident Commander shall request Communications call the State Bureau of Investigation Bomb Technician.

If this unit is not available, the US Army 18th Ordnance Detachment (Explosive Ordnance Disposal) at Fort Bragg should be contacted.

REPORTING

Responding Uniform Patrol Bureau personnel shall have the responsibility of filing appropriate investigative reports on call-out incidents.

Information included in the section entitled “Prohibited Dissemination”, described below, will not be placed in any part of an Investigation Report, Supplemental Report, or other document subject to public release or judicial discovery.

PROHIBITED PRACTICES

No person other than the Bomb Technicians or BCERT shall disturb, disassemble, transport, tamper with or otherwise handle any confirmed or suspicious weapons of mass destruction (explosive or biological/chemical item).

Weapons of mass destruction and/or explosive items shall not be transported in any vehicles other than those assigned to the Bomb Technicians or BCERT members.

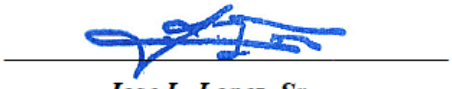
Under no circumstances shall any weapon of mass destruction and/or explosive item be taken to or stored within any building, public or private.

No person shall transmit on any radio within the inner perimeter (1000 feet) of a bomb scene without prior approval of responding Bomb Technicians and/or BCERT member.

PROHIBITED DISSEMINATION

The following information is not public information and shall not be disclosed nor released to the public, press, or other persons outside the Durham Police Department without the prior approval of the Bomb Technician, lead investigator, F.B.I. agent or the Durham Police Department Public Information Officer:

* Descriptions of the techniques, tactics, procedures, capabilities, or equipment possessed or utilized by the Bomb Technicians and/or BCERT;
* The facts concerning the construction, functioning, handling, neutralizing, or disarming of any confirmed, suspicious, or hoax device;
* Any investigative information that could hamper the operations of the Bomb Technicians or BCERT.



Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4042 R-2**

WARNING TICKETS

Effective Date: 12/15/1995	Revision Dates: R-1 09/01/2002; **R-2 01/10/2005**

INTRODUCTION

The Durham Police Department recognizes the written warning as an instrument of traffic law enforcement, and encourages its use on minor violations in lieu of a citation.

When properly utilized, the warning ticket:

- Formalizes the enforcement process involving minor violations along with adding an air of importance to the violation.
- Accounts for the officer's efforts in total activity.
- Provides statistical data on minor violations.

PROCEDURE

Officers are encouraged to use the warning ticket:

- in lieu of a verbal warning;
- in lieu of a citation for minor violations of motor vehicle law;
- for those specific offenses listed on the warning ticket.

The written warning consists of an original and two copies, to be distributed as follows:

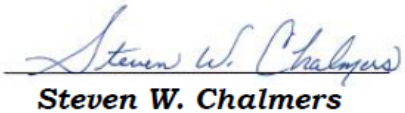
- Original – will be sent to the Records Unit;
- 1st copy - retained by the issuing officers for their records;
- 2nd copy - given to violator.

Some violations that may be written on a warning ticket require that the violator correct an equipment defect. The violator must then present the warning ticket to any North Carolina law enforcement officer, who shall verify that the necessary repairs have been made to the vehicle. The officer will then sign the warning ticket, and give it back to the violator, who will then mail it back to the Durham Police Department. When the Durham Police Department receives a warning ticket in the mail, it shall be routed to the issuing officer.

If the violator does not return the warning ticket when so required, the issuing officer has the following options:

- Take no action;
- Contact the violator to inquire as to their noncompliance;

- Charge the violator on a citation, warrant or criminal summons for the offense. Prior to charging the violator, the officer must first attempt to contact the violator as outlined in above Step 2.



Steven W. Chalmers
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4043 R-3**

DRIVING WHILE IMPAIRED PROCEDURES & GUIDELINES

Effective Date: 12/15/1995	Revision Dates: R-1 12/04/2003; R-2 01/10/2005; **R-3 12/17/2013**

INTRODUCTION

It is the intent of the Durham Police Department to actively engage in efforts to remove impaired drivers from the roadways in order to safeguard lives and property.

DEFINITIONS

Alcohol: Any substance containing any form of alcohol, including ethanol, methanol, propanol, and isopropanol.

Alcohol Concentration: The concentration of alcohol in a person, expressed either as:

- Grams of alcohol per 100 milliliters of blood; or
- Grams of alcohol per 210 liters of breath.

The results of a suspect's alcohol concentration determined by a chemical analysis of the suspect's breath or blood shall be reported to the hundredths. Any result between hundredths shall be reported to the next lower hundredth.

Charging Officer: The law enforcement officer who arrests the person charged, lodges the charge, or assists the arresting officer or the officer lodging the charge by assuming custody of the person for the purpose of requesting that person submit to a chemical analysis.

Chemical Analyst: A person granted a permit by the North Carolina Department of Health and Human Services under N.C.G.S. § 20-139.1 to perform chemical analyses.

Under the Influence of an Impairing Substance: The state of a person having his physical or mental faculties, or both, appreciably impaired by an impairing substance.

Impaired Driving: A person commits the offense of impaired driving if they drive any vehicle upon any highway, street or public vehicular area within the State of North Carolina:

- while under the influence of an impairing substance; or
- after having consumed sufficient alcohol that they have, at any relevant time after driving, an alcohol concentration of 0.08 or greater. Concentration is reduced to 0.04 or greater if operating a commercial

motor vehicle, and concentration is further reduced to any alcohol concentration if the driver is under 21 years of age.

Impairing Substance: Alcohol, any controlled substance under Chapter 90 of the General Statutes, any other drug or psychoactive substance capable of impairing a person's physical or mental faculties, or any combination of these substances. This includes drugs that are obtained legally, either over the counter or via a prescription.

Relevant Time After Driving: Any time after the driving in which the driver still has in his body alcohol consumed before or during the driving.

IMPLIED CONSENT OFFENSES

Any person who drives a vehicle on a highway or public vehicular area thereby gives consent to a chemical analysis if charged with an Implied Consent Offense.

An Implied Consent Offense is one involving impaired driving or an alcohol related offense that is subject to the procedures set forth in N.C.G.S. § 20-16.2. They are as follows:

- First or Second Degree Murder based upon impaired driving N.C.G.S. §14-17;
- Involuntary Manslaughter based upon impaired driving N.C.G.S. § 14-18;
- No Operator's License when person subject to lower alcohol content restrictions of N.C.G.S. § 20-19(c3) but not subject to ignition interlock N.C.G.S. § 20-7;
- Impaired Supervision or Instruction N.C.G.S. § 20-12.1;
- Driving While License Revoked when person is subject to the provisions of N.C.G.S. 20-17.8 (ignition interlock and lower alcohol content on driver's license) and officer has probable cause to believe person has consumed alcohol while driving or has driven while he has remaining in his body any alcohol previously consumed N.C.G.S. § 20-28;
- Driving While License Revoked when person has a limited driving privilege with an ignition interlock requirement under N.C.G.S. §20-179.3(g3) or (g5) and officer has probable cause to believe person has consumed alcohol while driving or has driven while he has remaining in his body any alcohol previously consumed N.C.G.S. § 20-28;
- Impaired Driving N.C.G.S. § 20-138.1;
- Impaired Driving in Commercial Motor Vehicle N.C.G.S. § 20-138.2;
- Operating a Commercial Vehicle After Consuming Alcohol N.C.G.S. § 20-138.2A;
- Operating a School Bus, School Activity Bus or Child Care Vehicle After Consuming Alcohol N.C.G.S. § 20-138.2B;
- Driving by Person Less Than 21 Years Old After Consuming Alcohol or Drugs N.C.G.S. § 20-138.3;
- Habitual Impaired Driving N.C.G.S. § 20-138.5;
- Transporting an Open Container of Alcoholic Beverage After Consuming Alcohol N.C.G.S. § 20-138.7;
- Felony Death by Vehicle N.C.G.S. § 20-141.1.

ALCOHOL SCREENING DEVICES

Alcohol Screening Devices, (commonly known as Portable Breath Testing Devices or by trade names, such as Alcosensor) shall only be used in accordance with the procedures promulgated by N.C.G.S. § 20-16.3 and the

North Carolina Administrative Code. Officers are only permitted to use Alcohol Screening Devices that appear on the list of devices approved by the Commission for Health Services, N.C. Department of Health and Human Services.

Use and Care of Alcohol Screening Devices

Officers who have access to these devices shall be thoroughly familiar with how to use these devices, and the relevant laws and procedures involved.

Any Alcohol Screening Device used in the field shall be properly calibrated, according to procedures promulgated by the Commission for Health Services, N.C. Department of Health and Human Services. This means that each Alcohol Screening Device must be calibrated once every 30 days or every 25 tests.

District and Division Commanders shall be responsible for making sure that all Alcohol Screening Devices used by officers under their command shall meet these calibration standards. The actual calibration of each unit shall be completed and appropriately documented by the Chemical Analyst Coordinator or another qualified person.

When Alcohol Screening Devices May Be Used

N.C.G.S. § 20-16.3(a) states that a law-enforcement officer may require the driver of a vehicle to submit to an alcohol screening test within a relevant time after the driving if the officer has:

- Reasonable grounds to believe that the driver has consumed alcohol and has:
  - Committed a moving traffic violation; or
  - Been involved in an accident or collision; or
- An articulable and reasonable suspicion that the driver has committed an implied-consent offense under N.C.G.S. § 20-16.2, and the driver has been lawfully stopped for a driver's license check or otherwise lawfully stopped or lawfully encountered by the officer in the course of the performance of the officer's duties.

SEIZURE AND TOWING OF DWI SUSPECT VEHICLES

North Carolina law mandates that the vehicles of certain DWI offenders be seized by the officer charging the impaired driving related offense. These vehicles are then sold at auction by the State of North Carolina, with the proceeds going to the school district of the county in which the vehicle was seized.

Eligible Vehicles for DWI Seizure

Any vehicle driven by an eligible offender shall be seized, except for mopeds as defined in N.C.G.S. § 20-4.01(21a), stolen vehicles, and rental vehicles that are either: 1) not operated by a driver authorized by the rental agreement; or 2) operated by a driver authorized by the rental agreement, but the rental car company had no actual knowledge of the person’s driver’s license revocation at the time the rental agreement was executed.

Eligible Offenders for DWI Seizure

All suspects that are arrested for one of the following charges shall be screened to see if their driving record qualifies them to have their vehicle seized:

- DWI (N.C.G.S. § 20-138.1); or
- Death by vehicle (N.C.G.S. § 20-141.4) when the charge is based on impaired driving; or

- First or second degree murder (N.C.G.S. § 14-17) or involuntary manslaughter (N.C.G.S. § 14-18) when the charge is based on impaired driving; or
- DWI in a commercial vehicle (N.C.G.S. § 20-138.2); or
- Habitual DWI (N.C.G.S § 20-138.5).

Any suspect who is arrested for one of the above charges qualifies for vehicle seizure if either: 1) the suspect was driving without a valid driver's license and was not covered by an automobile liability insurance policy; or 2) the suspect's driver's license or privilege to operate a vehicle in North Carolina is revoked for an Impaired Driving License Revocation under N.C.G.S. § 20-28.2(a). Generally, the latter would include current revocations due to any DWI convictions or administrative revocations due to the suspect refusing a chemical test or blowing over .08 during a previous DWI arrest. If there is any question as to whether the listed revocation would qualify the suspect for vehicle seizure, or if the revocation is for an out-of-state offense, the text of N.C.G.S. § 20-28.2(a) should be consulted for guidance. A list of qualifying revocations may also be found on the reverse of the AOC-CR-323A form.

DWI Seizure Procedures

If a suspect qualifies to have his or her vehicle seized, the charging officer shall seize the vehicle and the key(s) to the vehicle. The charging officer shall obtain a wrecker to take possession of the vehicle. In order to do this, the charging officer shall contact Communications and request a "10-51 for a DWI Seizure." Communications shall then contact a wrecker service that is authorized by the State of North Carolina to tow and store DWI seizure vehicles. No other type of wrecker (owner's request, regular rotation, etc.) shall be used in these cases.

The charging officer shall also affix a green DWI seizure sticker to the driver's side of the windshield. These stickers are available from the Department storekeeper.

In addition to any other required paperwork, the arresting officer shall complete an AOC-CR-323A form, entitled "Officer's Affidavit for Seizure and Impoundment and Magistrate's Order" and provide this form to the magistrate when the suspect is presented for his or her appearance before the magistrate.

The magistrate shall determine if probable cause exists for the seizure of the suspect vehicle. If the magistrate determines that there is no probable cause for the seizure, the charging officer must notify the towing service as soon as possible that the vehicle may be returned to the suspect, once the suspect pays whatever fees are required by the towing company.

It is possible that a suspect may be arrested and no driving history or revocation information is available at the time of arrest. If this is the case, the charging officer shall obtain a driving record of the suspect at the next opportunity to do so. If it is then found that the driver qualifies to have his or her vehicle seized under N.C.G.S. 20-28(a), then the arresting officer shall complete an AOC-CR-323A form, entitled "Officer's Affidavit for Seizure and Impoundment and Magistrate's Order" and provide this form to the magistrate. After the magistrate signs this form, the charging officer shall attempt to locate the vehicle and seize it, in accordance with the same procedures as if he or she was seizing the vehicle at the time of arrest. Once executed by the magistrate, the AOC-CR 323A authorizes an officer with jurisdiction to enter onto the property of the suspect to seize the motor vehicle. However, if the vehicle is within an enclosed structure on the defendant's property, such as a garage, the officer shall obtain valid consent or a search warrant to enter the property and seize the vehicle. If the suspect vehicle is on the private property of another, it is necessary to obtain valid consent to enter the property to seize the vehicle. If consent cannot be obtained, then the charging officer shall attempt to obtain a search warrant to enter the property to seize the vehicle.

DMV Notification

After a vehicle is seized under these procedures, the DMV must be notified of the seizure within 24 hours. The charging officer shall contact the Warrant Control / DCI Unit and have a DCI operator fill out the "Seized Vehicle N.C.G.S. § 20-28.1 (VSEZ)" online form with the appropriate information and transmit it to the DMV through a DCI terminal. The charging officer will need to provide the DCI operator with detailed information about the suspect, the vehicle, and the owner. It is no longer necessary to fax the AOC-CR-323A form to the DMV.

Tow Log and Reporting Requirements

The charging officer shall enter the vehicle's information into the Desk Officer's Tow Log, in accordance with General Order 4044 (Towed and Stored Vehicles). Additionally, the charging officer shall complete a vehicle report (code 2), either in paper or electronic form.

Court Date for Initial Appearance

The charging officer shall set the initial court date for the charges that precipitated the seizure of the vehicle to within 30 days of the charge being filed.

SECURING THE SUSPECT VEHICLE INCIDENT TO ARREST

If not subject to mandatory seizure as described above, an arrestee's vehicle should be secured by:

- Allowing the driver to leave the vehicle parked at the place of arrest if parking is legal at that location; or
- Allowing the driver to turn the vehicle over to a person designated by the arrestee, after the officer confirms that the person has an operator's license and that the person is not under the influence of an impairing substance at the time they take charge of the vehicle; or
- Releasing it to the registered owner if the owner is not the subject arrested; or
- Ordering the vehicle towed. In this case, the officer must comply with the provisions of General Order 4044 (Towed and Stored Vehicles).

PRE-ARREST TESTING REQUESTS

In some rare instances, a DWI suspect may request a "pre-arrest test" under the provisions of N.C.G.S § 20-16.2(i). The request constitutes the person's consent to be transported by the law-enforcement officer to the place where the chemical analysis is to be administered. In such a case, even though the suspect is not technically under arrest, he or she shall be transported to the testing site in the same manner as a prisoner who is under arrest. His or her vehicle shall be secured in the same way as in the above section dealing with a suspect who is under arrest. The chemical analyst shall then process the suspect according to the methods and procedures as set forth by the Commission for Health Services, N. C. Department of Health and Human Services for pre-arrest testing.

If it is decided not to charge a person who has taken a pre-arrest test with any criminal or traffic charge, the person may be immediately released from custody, or may be transported to another location at the charging officer's discretion.

CHEMICAL ANALYSIS GUIDELINES AND PROCEDURES

A chemical analysis may be administered when an officer has reasonable grounds to believe a person charged has committed an implied consent offense.

The charging officer will determine the type of test, blood or breath, to be administered to the suspect, and shall make a request for a chemical analyst to administer the designated test.

Breath Test

A Breath Test shall always take place at a test site that has been furnished by the State of North Carolina with an Intoxilyzer 5000 instrument.

The charging officer shall present the suspect to a chemical analyst authorized to administer a test of a person's breath. The charging officer in the presence of the chemical analyst who notified the suspect of his or her rights in accordance with N.C.G.S. § 20-16.2(a) shall request the suspect submit to a chemical analysis. If the suspect refuses to submit to the chemical analysis, none may be given under the provisions of N.C.G.S. § 20-16.2 Testing under other applicable procedures of law is not precluded.

The charging officer and chemical analyst shall complete the necessary reports and follow the methods and procedures as set forth by the Commission for Health Services, N. C. Department of Health and Human Services and the Department's Chemical Analyst Coordinator.

The suspect shall be under the care and control of the charging officer at all times unless placed in the care of a medical facility, authorized medical personnel or presented to a judicial official.

The jailer or detention officer will be made aware of a suspect's alcohol concentration.

Blood Test

A Blood Test shall normally be performed at a medical facility, such as a hospital emergency room.

The charging officer shall present the suspect to a chemical analyst authorized to administer a test of a person's blood. The charging officer in the presence of the chemical analyst who notified the suspect of his or her rights in accordance with N.C.G.S. § 20-16.2(a) shall request the suspect submit to a chemical analysis. If the suspect refuses to submit to the chemical analysis, none may be given under the provisions of N.C.G.S. § 20-16.2 Testing under other applicable procedures of law is not precluded.

If the suspect agrees to submit to a blood test, or is unconscious, then the chemical analyst shall direct a qualified person to draw blood for them. A qualified person is a doctor, nurse, phlebotomist, or physician's assistant. An EMT or paramedic shall not draw blood for a blood test under these provisions. The qualified person shall draw blood into a test kit provided by the chemical analyst. These test kits, with the appropriate paperwork, are available at Duke University Medical Center in the hospital police office and Durham Regional Hospital in the security office.

The charging officer and chemical analyst shall complete the necessary reports and follow the methods and procedures as set forth by the Commission for Health Services, N. C. Department of Health and Human Services and the Department's Chemical Analyst Coordinator.

The blood test kit shall be turned in as evidence by turning it in to the Property and Evidence Control Unit or by placing it in the evidence refrigerator using the procedures found in General Order 4058 (Property and Evidence Control). A property report (Code 3) and an SBI-5 form must be properly completed for a blood test.

The suspect shall be under the care and control of the charging officer at all times unless placed in the care of a medical facility, authorized medical personnel or presented to a judicial official.

DUTIES OF THE CHARGING OFFICER

The charging officer shall begin preparing for testifying in court upon the initial sighting of a suspected impaired driver. The officer shall observe and note erratic or unusual driving by the suspect. Upon stopping the vehicle, the officer shall note any odor of an alcoholic beverage, slurred speech or any other indicator of mental or physical impairment. A field sobriety test may be administered, if needed, to aid the officer in determining if the suspect is impaired.

If the suspect refuses to submit to a chemical test, the charging officer shall forward a copy of the Affidavit and Revocation Report (AOC-CVR-01) and the Intoxilyzer Test Ticket (DHHS 3908) to the NC DMV Driver's License Section via US Mail.

DUTIES OF THE CHEMICAL ANALYST

Upon receiving a request from the charging officer or by specific designation to administer a chemical analysis, the chemical analyst shall proceed to the test site. The chemical analyst shall administer the test following the methods and procedures set forth by the Commission for Health Services.

If a suspect has an alcohol concentration of 0.35 or greater on one or more breath tests, the charging officer will be instructed to transport the suspect to a medical facility for evaluation.

DUTIES OF THE CHEMICAL ANALYST COORDINATOR

The Chemical Analyst Coordinator shall oversee the entire chemical analysis program and provide instruction, supervision, and assistance, when needed, to ensure the program meets the highest professional standards of the Commission for Health Services, N.C. Department of Health and Human Services and the Durham Police Department.

MAINTENANCE OF TEST EQUIPMENT

Maintenance of Intoxilyzer equipment is performed only by personnel employed by the North Carolina Department of Health and Human Services. Periodic inspection and calibration of Portable Breath Testers shall be coordinated by the Chemical Analyst Coordinator.

Chemical Analysts have the responsibility of directing maintenance problems with Portable Breath Testers to the Chemical Analyst Coordinator. Chemical Analysts have the responsibility of directing maintenance problems with any Intoxilyzer instruments to the North Carolina Department of Health and Human Services via their telephone number, which is available at every test site.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4044 R-3**

TOWED & STORED VEHICLES

Effective Date: 12/15/1995	Revision Dates: R-1 12/05/2003; R-2 07/18/2012; **R-3 12/17/2003**

INTRODUCTION

It is the policy of the Durham Police Department to ensure that the streets and highways remain clear of vehicles that remain unattended for prolonged periods of time and that vehicles which obstruct traffic or which are left in violation of certain parking regulations are promptly removed. It is also the policy of the Durham Police Department to tow and process vehicles involved in major criminal acts, and to seize vehicles being operated in violation of certain criminal laws.

The guidelines outlined in this General Order are presented to assist officers in decision-making when confronted with situations involving the towing of vehicles. In general, it is desirable to avoid ordering a vehicle towed whenever possible due to the expense and inconvenience caused by such action. It is recognized that no single document can cover every possible situation. When in doubt, the best course of action is to confer with your supervisor.

REMOVAL OF VEHICLES FROM THE RIGHT OF WAY

An officer observing any vehicle parked or left standing upon the right of way of a public street or highway, unless subject to immediate towing under another provision of this General Order, shall place on the vehicle, a bright orange “Abandoned Vehicle Sticker”. These stickers shall be placed in a conspicuous location on a glass surface of the vehicle. If no glass is available, the stickers may be placed on a non-glass surface. These stickers are available from the Department Storekeeper. The sticker shall serve notice to the person in control of the vehicle that the vehicle will be towed if not moved within seven (7) days from the date of the notice. The officer shall make a reasonable attempt to locate the owner or person in control of the vehicle prior to ordering it towed. The officer shall complete the “Imminent Towing and Storage of Vehicle Form” as thoroughly and completely as possible.

The towing of all abandoned and/or derelict vehicles, unless in a hazardous situation, is restricted to the hours of 0800 - 1700, Monday through Friday.

REMOVAL OF ABANDONED, HAZARDOUS, AND JUNKED VEHICLES

The Department of Housing and Community Development of the City of Durham is responsible for the removal of vehicles left for more than 24 hours upon property owned or operated by the City of Durham.

A hazardous motor vehicle is one declared to be a health or safety hazard by the housing code administrator when found to meet one or more of the criteria stated in City Code Section 10-110(4)(a-h). The Department of

Housing and Community Development is responsible for the removal of hazardous motor vehicles from public or private property.

A junked motor vehicle is a vehicle that does not display a current and valid license plate and that: is partially dismantled or wrecked; cannot be self-propelled or moved in the manner it was originally intended to move; or is more than 5 years old and appears to be worth less than $100.00. The Department of Housing and Community Development is responsible for the removal of junked vehicles from public or private property.

Any officer who observes any of the above types of vehicles shall contact the City of Durham Department of Housing and Community Development and notify them of the situation. This office is available by telephone at 560-4570.

REMOVAL OF VEHICLES FROM PRIVATE RESIDENTIAL OR BUSINESS PROPERTY

Except as previously noted above, owners of private residences or businesses are responsible for contacting wreckers and absorbing related costs associated with the removal of vehicles from their private property.

VEHICLES OBSTRUCTING TRAFFIC OR OTHERWISE PARKED ILLEGALLY

When a vehicle is left unattended upon any street and constitutes an obstruction to traffic because of its location in the flow of traffic or because it blocks the vision of motorists, it may be ordered immediately towed. If the danger is minimal and it appears that the vehicle has just been recently parked, the officer should wait a few minutes to see if the driver returns. If the driver does return, the officer may issue a citation or warning for obstructing traffic. If the vehicle can be moved by means other than towing to a position which does not constitute an obstruction, and the means of moving and subsequent security of the vehicle are satisfactory to the owner or operator of the vehicle, this should be done in preference to having the vehicle towed.

Vehicles parked on the shoulder of the highway in any area designated as a Bus on Shoulder System (BOSS) with signs marking the beginning and end of the BOSS corridor may be ordered immediately towed. However, officers should use their discretion when the vehicle is attended and the owner/occupant is actively pursuing means to remove the vehicle in a timely manner. Time of day and the likeliness of traffic congestion on the highway may also factor in the decision to tow.

When a parked vehicle impedes cleaning of or working on a street, it may be ordered immediately towed only when the cleaning or repair work is of an emergency nature. If no previous warning has been given, a vehicle should be towed only if absolutely necessary.

In cases of non-emergency pre-planned street repairs, “No Parking” signs are posted well in advance of the initiation of the repairs. If previous warnings have been posted, impeding vehicles should be towed.

The Department does not order vehicles towed merely to allow access for the cleaning of streets unless “No Parking” signs or other previous warnings have been posted.

When a parked vehicle interferes with or obstructs an authorized street parade or procession, it may be towed provided there has been reasonable advance notification by posting of “No Parking” signs.

When a vehicle is parked upon the street so that it blocks a privately owned driveway, it may be ordered immediately towed if the occupant or owner of the building which the driveway serves makes a direct and specific request, either orally or in writing. On occasion, the responding officer may be able to remove the

vehicle sufficiently by physically pushing it away from the driveway. Officers are authorized to use discretion in such cases.

Ordering a vehicle towed, which is parked within fifteen (15) feet of a fire hydrant, calls for a discretionary decision on the officer's part. If, in the officer's judgment, the fire hydrant is blocked to the point that a firefighter would be unable to hook up to it, then the vehicle should be immediately towed. Otherwise, the issuance of a citation or parking ticket should suffice.

If a vehicle is parked in front of the entrance to a Fire Station, it may be ordered immediately towed. However, officers should use their discretion in deciding to tow a vehicle that is simply parked in a "No Parking" zone, not obstructing the traffic lane or prohibiting fire apparatus from entering or exiting the Fire Station. The optimal decision in such cases may be to issue a parking ticket as opposed to towing the vehicle.

When a vehicle is parked within the confines of a bus stop, it should not be towed except when access to the bus stop is reasonably obstructed. Otherwise, a parking ticket should be issued and the vehicle checked periodically. If, after several hours, the vehicle is still in the same place, officers may, at their discretion, order the vehicle towed.

Vehicles parked within any area where parking of vehicles is prohibited may be issued a parking ticket but are not to be ordered immediately towed unless they constitute a traffic hazard. An exception is unattended vehicles left in a loading zone or fire lane. Vehicles may be towed in these cases at the officer's discretion.

A vehicle parked in any area in excess of the authorized period of time shall be issued a parking ticket but not ordered immediately towed. An exception is repeat offenders parking in controlled residential areas. When towing in these circumstances, the officer should attempt to locate the owner/operator by telephone prior to the towing action.

If a vehicle is towed under any of the circumstances of this section, the towing officer shall notify the desk and complete the "Post Tow Notice".

VEHICLES USED IN MAJOR CRIMINAL ACTS

When a vehicle used in the commission of a major crime, such as a homicide or violent death, is a part of the evidence of a major crime, or has evidence on it such as fingerprints or blood or contains evidence that cannot be readily seized, and the vehicle will probably be released once processed, the officer in charge of the vehicle shall notify the light or heavy city contract wrecker and request the Identification Unit process the vehicle as necessary.

If the vehicle cannot be processed at the scene due to inclement weather or an unsafe crime scene, the towing officer, acting on the authority of the Watch Commander, shall have the vehicle towed by the City contract wrecker to an appropriate location. Depending on the availability of space, this location may be the Forensic Services Unit lot, the City Garage, or the storage lot of the City contract wrecker. The vehicle shall be secured with Crime Scene Barrier Tape.

Once a vehicle is turned over to a wrecker company, they will only release it to its lawful owner. Officers may not order the wrecker company to "hold" a vehicle in order to identify a driver in the case of a minor traffic offense.

DWI SEIZURE VEHICLES

All DWI Seizure vehicles shall be handled in accordance with the procedures outlined in General Order 4043 (Driving While Impaired Procedures and Guidelines).

CONFISCATED / FORFEITURE VEHICLES

An officer having a vehicle towed for possible forfeiture under Chapter 90 of the General Statutes or other provisions of the law shall contact Communications for the dispatching of a rotation wrecker. Vehicles towed under this provision will require completion of a Vehicle Report (Code 2) and a Vehicle Inventory Form.

A copy of the Vehicle Report and Vehicle Inventory Form shall be forwarded to the District Attorney's Office, along with the Felony Screening required by General Order 4070. It is imperative to get this information to the District Attorney's Office as soon as possible, so that they know the circumstances surrounding the seizure in case the suspect's attorney tries to get the vehicle released from seizure.

Officers shall seek their supervisor's approval prior to ordering a vehicle towed for the purpose of confiscation. For details regarding where to store the vehicle and seizure criteria, the Special Operations Division or the Durham County District Attorney's Office should be contacted. Information regarding vehicle location and all other information concerning the circumstances are considered confidential. All requests for information should be referred to the District Attorney's Office.

The towing officer shall have the vehicle towed to an appropriate location. Depending on the availability of space, this location may be the Forensic Services Unit lot, the City Garage, or other appropriate secure lot where a daily storage charge will not be incurred.

Under certain circumstances, vehicles may be subject to forfeiture under appropriate federal laws, such as 19 USC 1602-1621. An officer who needs information on such seizures and related towing procedures shall contact the appropriate federal law enforcement agency or a Department member who is on a task force with one of these agencies.

SEIZURE & TOWING OF FELONY SPEEDING TO ELUDE ARREST SUSPECT VEHICLES

North Carolina law mandates that the vehicles of certain felony speeding to elude arrest offenders be seized by the officer charging the felony speeding to elude arrest offense. These vehicles are then sold at auction by the State of North Carolina, with the proceeds going to the school district of the county in which the vehicle was seized.

Eligible Vehicles for Felony Speeding to Elude Arrest Seizure

Any vehicle driven by an eligible offender shall be seized, except for mopeds as defined by G.S. 20-1.04(21a), stolen vehicles, and rental vehicles that are either: 1) not operated by a driver authorized by the rental agreement; or 2) operated by a driver authorized by the rental agreement, but the rental car company had no actual knowledge of the person's driver's license revocation at the time the rental agreement was executed.

Eligible Offenders for Felony Speeding to Elude Arrest Seizure

All suspects that are charged with felony speeding to elude arrest pursuant to G.S. 20-141.5(b) or (b1) qualify to have their vehicle seized.

Felony Speeding to Elude Arrest Seizure Procedures

If a suspect qualifies to have his or her vehicle seized, the charging officer shall seize the vehicle and the key(s) to the vehicle. The charging officer shall obtain a wrecker to take possession of the vehicle. In order to do this, the charging officer shall contact Communications and request a “10-51 for a Speeding to Elude Seizure.” Communications shall then contact a wrecker service that is authorized by the State of North Carolina to tow and store felony speeding to elude arrest seizure vehicles. No other type of wrecker (owner’s request, regular rotation, etc.) shall be used in these cases.

The charging officer shall also affix a green speeding to elude arrest seizure sticker to the driver’s side of the windshield. These stickers are available from the Department storekeeper.

In addition to any other required paperwork, the charging officer shall complete an AOC-CR-323B form, entitled “Officer’s Affidavit for Seizure and Impoundment and Magistrate’s Order” and provide this form to the magistrate when the suspect is presented for his or her appearance before the magistrate. If the suspect is not arrested at the time the vehicle is seized, the officer shall provide this form to the magistrate immediately following seizure of the vehicle.

The magistrate shall determine if probable cause exists for the seizure of the suspect vehicle. If the magistrate determines that there is no probable cause for the seizure, the charging officer must notify the towing service as soon as possible that the vehicle may be returned to the suspect, once the suspect pays whatever fees are required by the towing company.

It is possible that a suspect may elude immediate arrest with the vehicle. If this occurs, appropriate charges shall be taken out against the suspect. The charging officer shall complete the AOC-CR-323B form, entitled “Officer’s Affidavit for Seizure and Impoundment and Magistrate’s Order” and provide this form to the magistrate. After the magistrate signs this form, the charging officer shall attempt to locate the vehicle and seize it, in accordance with the same procedures as if he or she was seizing the vehicle at the time of arrest. Once executed by the magistrate, the AOC-CR-323B form authorizes an officer with jurisdiction to enter the property of the suspect to seize the motor vehicle. However, if the vehicle is located within an enclosed structure on the defendant’s property, such as a garage, the officer shall obtain valid consent or a search warrant to enter the property and seize the vehicle. If the suspect vehicle is on the private property of another, it is necessary to obtain valid consent to enter the property to seize the vehicle. If consent cannot be obtained, then the charging officer shall attempt to obtain a search warrant to enter the property to seize the vehicle.

If the motor vehicle is subject to seizure for both (1) Felony Speeding to Elude Arrest and (2) DWI with revoked license or DWI with no license and no insurance, then the officer shall complete both applicable affidavits (CR-323A and CR-323B) and request that the magistrate sign both orders. The statutes provide that the vehicle "shall" be seized for both offenses and since the motor vehicle is now towed to the same location, both statutes should be used. This will allow the District Attorney the broadest authority to have the vehicle forfeited.

DMV Notification

After a vehicle is seized under these procedures, the DMV must be notified of the seizure within 24 hours. The charging officer shall contact the Warrant Control / DCI Unit and have a DCI operator fill out the “Seized Vehicle NCGS 20-28.1 (VSEZ)” online form with the appropriate information and transmit it to the DMV through a DCI terminal. The charging officer will need to provide the DCI operator with detailed information about the suspect, the vehicle, and the owner.

Tow Log and Reporting Requirements

The charging officer shall enter the vehicle's information into the Desk Officer's Tow Log, in accordance with this General Order. Additionally, the charging officer shall complete a vehicle report (code 2), either in paper or electronic form.

Court Date for Initial Appearance

The charging officer shall set the initial court date for the charges that precipitated the seizure of the vehicle to within 30 days of the charge being filed.

RECOVERED STOLEN VEHICLES

A recovered stolen vehicle shall be processed by the Identification Unit. This can be done at the scene of the recovery or the vehicle may be towed to the wrecker operator's storage lot for processing. The processing location is the decision of the officer initiating the tow and shall be based on such factors as inclement weather conditions, populated areas where a crowd might gather and possibly interfere with the Technician's work, or an Identification Technician is not readily available. When in doubt as to where to have the vehicle processed, the towing officer should consult with their supervisor.

The officer should attempt to notify the owner by telephone or have another officer go by the owners address prior to the tow. If contact is not made and a tow is requested, the officer is to:

- Notify the desk as to location, etc.;
- Complete the Post Tow Notice;
- Complete a Vehicle Inventory form

Copies of all paperwork concerning a recovered stolen vehicle are to be sent to Records to ensure that a notice is sent to the owner of the vehicle by registered mail notifying them that their vehicle has been recovered.

DISPOSITION OF A VEHICLE WHEN THE OPERATOR IS ARRESTED

When the person in charge of a vehicle upon a public street is under arrest or is incapacitated by physical injury or other cause and the vehicle is not towed as evidence of a crime, subject to seizure or stolen as already described, the officer may:

- Allow the driver to turn the vehicle over to a person designated by the arrestee, but not until the officer confirms that the person has a driver's license and that they are not under the influence of alcohol or drugs at the time they take charge of the vehicle.
- Allow the driver to leave the vehicle parked at the place of arrest if parking is legal at that location. The arresting officer, at their discretion, may allow the arrested driver to move the vehicle to a location where parking is legal if the driver is not under arrest for a license violation or for driving while impaired. If a driver is incapacitated by physical injury, mental impairment, or under the influence of an alcoholic beverage or drugs, the officer has the authority to either order the vehicle towed, secure it, or release it to the registered owner, if the owner is not the person arrested.
- Allow the arrested driver to move the vehicle to a location where parking is legal if the driver is not under arrest for a license violation or impaired; or
- Order the vehicle immediately towed.

If the vehicle is left at the scene, a Consent to Tow, Remove or Store Vehicle or Leave Vehicle at the Scene Form shall be completed.

DUTIES OF THE OFFICER PRIOR TO ORDERING A TOW

When an officer orders a vehicle towed, except those that are seized for forfeiture or evidence of a major crime; or when the tow is requested or voluntarily consented to, the officer shall:

- Make reasonable attempts to notify by telephone, or have a fellow officer go by the residence, of the registered owner of the vehicle to inform the owner of the vehicle location, and his/her right to a hearing before a magistrate regarding the tow.
- Complete the Imminent Towing Form or the Post Tow Notice when taking immediate action. The forms should be completed as thoroughly and completely as possible using care to use proper abbreviations only when necessary.
- 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 by telephone. If the number is busy or there is no answer, a subsequent attempt shall be made within the twenty-four (24) hour period.
- If the vehicle is registered outside of North Carolina, a telephone notification as described above shall be attempted as soon as possible and always within seventy-two (72) hours of the towing.
- If the call is completed, but the officer is unable to speak to the registered owner, the officer should, if possible, leave a clear message that the registered owner can call the Desk Officer at Durham Police Headquarters for information about the location and status of the towed vehicle. If a long distance call is necessary, officers shall place the call with their supervisor's approval.
- If the officer is successful in contacting the registered owner by telephone, the officer should read him/her the information contained on the completed proper towing form, and within reasonable limits, answer the owners' questions regarding the vehicle and the towing.
- Whether or not telephone contact has been made with the registered owner, the officer shall place the proper towing form stamped "towing notice" and transport it to the Records Unit so that it can be mailed to the registered owner. The mailing must occur under the same time constraints (i.e., 24 or 72 hours depending on the situation). Therefore, officers must turn in the completed form by the end of their shift.
- If the registered owner is present at the scene of the vehicle to be towed, the officer may, at that time, provide the owner with a completed Imminent or Post Tow Form followed up by turning in a copy of that form to the Records Unit. In this situation, it would not be necessary to make telephone contact or mail the registered owner a towing notice. The officer shall, however, indicate on the top of the form turned into the Records Unit that the original has been hand delivered to the registered owner.

DUTIES OF THE OFFICER AFTER ORDERING A VEHICLE TOWED

A Vehicle Report shall be completed for all vehicles ordered towed. In addition to the information provided on the form, the towing officer shall also furnish the name, address, and telephone number of the wrecker towing the vehicle as well as the storage location and telephone number.

The towing officer shall contact the Desk Officer whenever a vehicle is towed and stored regardless of the reason. The towing officer shall provide the Desk Officer with the make and year of the vehicle towed, the owner's name and address, wrecker company and telephone number, storage location and telephone number, the correct Incident Report number and the reason for the tow. This information is imperative in assisting the Desk Officer in maintaining an up-to-date log on the whereabouts of towed vehicles.

In situations involving the recovery of stolen vehicles, the towing officer shall notify DCI immediately so the vehicle in question can be cleared from NCIC

In cases involving vehicles left parked or standing upon the right of way of a public street, if, after waiting seven (7) days, an officer observes that the vehicle has not been moved, the officer shall have the vehicle removed and stored. Towing under these circumstances should be between the hours of 0800 - 1700, Monday through Friday.

Except in cases involving owner requested wreckers, the towing officer shall, prior to having the vehicle removed, provide the wrecker operator with a Vehicle Inventory Form as outlined in the City Council's "Tow Truck Resolution" dated April 14, 1977. The form is to be filled out by the wrecker operator and witnessed by the officer. If the operator of the vehicle being towed is present, a copy of the inventory form shall be furnished to the operator. If the operator is not present, the towing officer shall retain the remaining copies turning them into the Records Unit with the completed Vehicle Report.

In a situation where the Identification Unit is going to process a vehicle, the towing officer shall request the City-contract wrecker operator to tow the vehicle to the location that it is to be processed. The officer shall follow the wrecker to ensure that any possible evidence or items of value are kept intact. Once at this location, the wrecker operator will secure the vehicle until the ID Technician processes it and then fill out a Vehicle Inventory Form with the ID Technician standing by as witness.

TYPES OF WRECKERS AND CONTACTING COMMUNICATIONS

The City of Durham does not pay for towing of any vehicles, except vehicles towed by the City contract wrecker service. The owner or person in control of the vehicle is responsible for all charges incurred by the wrecker company. The wrecker company may decide not to release a towed vehicle until all appropriate charges are paid for. Also, many wrecker companies charge storage fees. These practices and fees are legal, as long as they conform to state law and City ordinances regulating such matters.

When contacting Communications, officers shall advise the following information:

- The type of vehicle to be towed; and
- Whether keys are available; and
- The condition of the wheels (missing, tires flat, etc.); and
- Any other information that is available about the vehicle to be towed that the wrecker driver would need to know, such as whether the vehicle is stuck under a bridge, contains hazardous materials, is broken into two pieces, etc.

Rotation – Communications keeps a list of wreckers that are authorized to tow for the Department. These wreckers shall be used for any tow where the person in control of a vehicle has no preference as to which wrecker company to use, or where there is no person in control of the vehicle, unless the tow is due to a situation that specifies another type of wrecker. Also, seizures under N.C.G.S. Chapter 90 use rotation wreckers.

Officers requesting rotation wreckers should not specifically request a rollback. Wrecker companies are not required to have a rollback to get on the rotation list. All conventional wreckers are required to have a dolly to facilitate towing of severely wrecked vehicles; so requesting a rollback unnecessarily makes wrecker companies without a rollback miss a rotation call.

Owner's Request - Unless the tow is due to a situation that specifies another type of wrecker, the person in control of a vehicle may request a wrecker of their preference. To avoid the appearance of any improprieties, officers may not suggest the use a particular wrecker service to any such person. Communications keeps a list of contact numbers for wrecker services. However, they may not have this information for some of the lesser-known wrecker services, and the person in control of the vehicle may need to provide this number. Communications does not have time to look up wrecker services in the telephone book, so officers should not

request that they research numbers for out-of-area or independent wreckers who have not advised Communications of their contact information. If contact information for an owner's request wrecker company cannot be found, the person in charge of the vehicle shall be asked for an alternative wrecker company. If no requested wrecker can be located, a rotation wrecker shall be used.

Heavy Tow – These wreckers may be either rotation or owner's request, as described above. These wreckers are used for towing heavy equipment, semi-trailers, and trucks that are larger than a heavy-duty pickup truck.

Motor Club – Automobile clubs have their own wrecker services under contract. Communications has the contact information from the American Automobile Association (AAA). Unless the tow is due to a situation that specifies another type of wrecker, the person in control of a vehicle may request a wrecker from a motor club service that they belong to. If the motorist wishes to use a wrecker from a motor club besides the AAA, then they are responsible for contacting that motor club directly, as Communications does not have the contact information for any other wrecker service. If no requested wrecker can be located, a rotation wrecker shall be used.

City Contract – The City of Durham generally has one wrecker service that has been contracted to tow vehicles for city purposes. Communications has the contact information for this wrecker company. The City Contract wrecker (also known as a "city tow") should be used for vehicles that are seized as evidence (not for DWI seizures) and for City vehicles that need to be towed.

DWI Seizure – These wreckers are under contract with the State of North Carolina to tow, store, and process vehicles that are subject to DWI seizure, as outlined under General Order 4043.

All wreckers, except for Heavy Tow wreckers, shall have a time limit of 35 minutes from time of notification to respond to the scene of an officer request. Communications will inform the officer of the time. If a wrecker fails to show within the 35-minute time limit, the officer may call for another wrecker. Heavy Tow wreckers have a time limit of 45 minutes.

DUTIES OF THE RECORDS UNIT

The Records Unit is responsible for postage and mailing of vehicle forms and ensuring that the tow notices are filed with the vehicle reports. The Records Unit shall maintain a file of these forms for a period of three (3) years from the date of the towing.

THE HEARING

There are certain towing situations in which a vehicle owner has a right to contest the validity of the tow. Such challenges will result in a hearing before a magistrate.

Officers are to comply with the procedures established by the Chief District Court Judge regarding the conduct of these hearings. Each magistrate, whether civil or criminal, has a copy of those guidelines.

In some instances, officers may be required to file an "Affidavit" with the magistrate's office or to appear personally to give oral testimony at such a hearing. Officers are to follow the directions of the magistrate.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4045 R-2**

DISABLED MOTORISTS & EMERGENCY ASSISTANCE

Effective Date: 12/15/1995	Revision Dates: R-1 04/28/2004; **R-2 08/14/2017**

INTRODUCTION

The purpose of this policy is to establish guidelines for the provision of emergency and courtesy assistance to the motoring public.

DISABLED MOTORISTS

When an officer encounters stranded or disabled motorists, the officer will determine what assistance is necessary and will make reasonable efforts to obtain or render the needed assistance within the scope of this policy.

The following areas fall within the scope of assistance that may be provided:

- Contact a relative or friend of the motorists to assist.
- Call for wrecker service, either owner's request or rotation; the owner or operator of the disabled vehicle will be responsible for costs.
- Transport motorist to the nearest service station or wrecker service, if they have no preference. In cases where a relative or friend cannot be contacted, officers may transport a motorist to a location of their choice within the jurisdiction of the Department.
- Other services, as deemed appropriate by the officer.

Departmental personnel will not attempt to make mechanical repairs to disabled vehicles unless emergency traffic conditions exist.

If, at the time a disabled motorist is observed by an officer who has been dispatched and is responding to a non-emergency call, Communications will be notified to reassign the call. The officer will stop and render appropriate aid to the motorist. If the officer is responding to an emergency, Communications will be notified of the motorist's location to assure another unit is dispatched.

EMERGENCY ASSISTANCE

When the assistance rendered to a stranded or disabled motorist is of an emergency nature, the officer will call Communications for the assistance needed (i.e. fire, medical, or mechanical) and shall remain with the motorist until the assistance arrives or the emergency abates.

- The officer may also render emergency assistance such as medical first-aid or fire suppression.

- The officer will act as a communications link to assure a rapid and timely response to the motorist.

COURTESIES RENDERED TO THE MOTORING PUBLIC

All members of the Department shall assist the motoring public with general assistance such as providing directions to lost motorists. At the officer's discretion, it is permissible for officers to lead lost motorists to hard to find destinations within the City.

Cerelyn J. Davis
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4046 R-6**

DOMESTIC VIOLENCE

Effective Date: 12/15/1995	Revision Dates: R-1 11/01/1998; R-2 12/05/2003; R-3 04/28/2004; R-4 11/22/2006; R-5 11/30/2011; **R-6 11/11/2013**

INTRODUCTION

It is the policy of the Durham Police Department to view domestic violence and acts of violence between same sex parties as crimes that requires direct police intervention and a coordinated community response. The objective of the patrol officer who responds to such incidents is to reduce the possibility of violence and threats towards the victim and other involved individuals, conduct a thorough on-scene investigation, and provide the victim with information enabling them to seek assistance from alternative community agencies.

This policy is intended solely for the guidance of the officers and is in no way to be construed or relied upon by any third party as a promise that any particular suspect will be arrested, nor that any particular alleged victim will be protected.

DEFINITIONS

N.C.G.S. § 50B-1 defines domestic violence as 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:

- Attempting to cause bodily injury, or intentionally causing bodily injury; or
- Placing the aggrieved party or a member of the aggrieved party's family or household in fear of imminent serious bodily injury or continued harassment, as defined in N.C.G.S. § 14-277.3A, that rises to such a level as to inflict substantial emotional distress; or
- Committing any act defined in G.S. 14-27.2 through G.S. 14-27.7.

The term "personal relationship" means a relationship wherein the parties involved:

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

- Are persons of the opposite sex who are in a dating relationship or have been in a dating relationship. 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.

For purposes of this policy, the Department defines same sex acts of violence as incidents between parties of the same sex which would qualify as incidents of domestic violence under N.C.G.S § 50B-1 had the parties involved been of the opposite sex.

INITIAL RESPONSE AND INVESTIGATION

The Domestic Violence unit will investigate incidents of domestic violence, including same sex acts of violence, where:

- the parties are current or former spouses, or
- have a child in common, or
- have/had a dating relationship.

Domestic violence cases involving household members and parent/grandparent/children cases will be investigated by the District Investigators. Whenever possible, supervisors will respond to domestic violence calls and same sex acts of violence to monitor the situation and provide any needed assistance. When responding to a domestic violence call or same sex act of violence call, the responding officers will:

- Restore order by separating the parties, assessing any injuries or the need for medical attention, and protecting the crime scene.
- Interview all parties separately, preferably out of sight and hearing range of one another. Interview children in an age-appropriate manner.
- Contact DCI to determine if there are outstanding warrants, valid Domestic Violence Protective Orders, release conditions, and/or recent trespasses.
- After initial investigation, determine if an arrest is appropriate, as described in the Arrest Determination section.
- Collect and record evidence. When visible bodily injury or property damage is apparent, officers should attempt to take color photographs of the injuries, and/or property damage. Photographs of adult arrestees may be taken at the officer's discretion. Photographs of adult victims require their consent. Officers will make every effort to maintain the victim's privacy when photographing injuries, even if this requires an officer of the same sex to be contacted to take the photographs. Any weapons used should be collected for evidence.
- When bodily injury is suspected but not visualized, officers should attempt to photograph the suspected injury location for follow up photography showing the evolution of bruising.
- Prepare the appropriate domestic violence report in all cases in which domestic violence, or same sex acts of violence is alleged. Send all originals of the report(s) to the Records Division, and send the DV screening packet containing copies of all case-related reports to the Domestic Violence Unit, except as indicated under the below section of this General Order titled "*Domestic Violence Protective Order Investigation Procedures For Certain Types Of Relationships*." Any photographs taken should be emailed to DVU.
- Give the victim a copy of the Victim's Rights Notification Information pursuant to N.C.G.S. §15A-831.

- Contact the on-call CID/DVU supervisor, through the chain-of-command, in the event a violent felony has occurred.

PROBABLE CAUSE DETERMINATION

Probable cause exists when the totality of facts and circumstances create a fair probability, not a certainty, that a crime has been committed and the person to be charged probably committed that crime. Probable cause to arrest may be based upon information related by an apparently credible victim. Credibility of the victim may be established by a variety of factors, including but not limited to, physical evidence, and other witnesses, including children, which corroborate the victim's statements. If feasible, the suspect should be questioned before an arrest is made. Any responses by the suspect should be considered as part of the probable cause determination.

A victim's preference for or against arrest, or a victim's willingness to appear in court, is not a factor in deciding whether or not probable cause exists. An officer evaluating probable cause should base that decision on all apparently credible information available at the time and shall use the same standards for evaluating probable cause as apply to crimes generally.

If the officer has probable cause to believe that both involved parties committed an offense, the officer will try to determine who the primary aggressor is. Arrest is the appropriate response only with respect to the primary aggressor. If the officer cannot determine the primary aggressor, arrest is not preferred for either party. However, officers are encouraged to use other means to defuse the situation and ensure the parties' safety.

The primary aggressor is the party who is more likely to initiate and continue the violence. The following are elements to consider when evaluating who the primary aggressor is:

- evidence from the involved persons – types and severity of injuries, statements, etc.;
- evidence from witnesses;
- history of past domestic violence;
- age, height, and weights of parties;
- proportional nature of mutual violence;
- existence of a Domestic Violence Protective Order;
- use or threatened use of weapons;
- fear of retaliation by one party; and
- property destroyed by one party.

If for some reason the officer believes a dual arrest is necessary, the officer must contact his or her supervisor and obtain approval before proceeding.

Officers are reminded that reasonable force used in justified self-defense is not a crime. However, force used in excess of that which is reasonable for justified self-defense is a crime.

If probable cause is denied by the magistrate, then the officer must indicate the reason for denial in their narrative.

ARREST DETERMINATION

According to N.C.G.S. § 15A-401, an officer is authorized to make a warrantless arrest when he or she has probable cause to believe that a criminal offense has occurred and that one or more of the following conditions exist:

- the offense is a felony;
- the offense occurred in the officer's presence;
- the offense is domestic criminal trespass under N.C.G.S. § 14-134.3;
- the offense was committed by person with whom the alleged victim has or has had a personal relationship as defined in N.C.G.S. § 50B-1 and the offense is:
    - Simple Assault, N.C.G.S. § 14-33(a);
    - Assault on a Female, N.C.G.S. § 14-33(c)(2);
    - Assault with a Deadly Weapon, N.C.G.S. § 14-33(c)(1);
    - Assault Inflicting Serious Injury, N.C.G.S. § 14-33(c)(1); or
    - Assault by Pointing a Gun, under N.C.G.S. §14-34.
- When the offense committed is a misdemeanor under N.C.G.S. § 50B-4.1;
- the suspect will not be apprehended unless immediately arrested; or
- the suspect may injure himself or others or cause damage to property unless immediately arrested.

If an officer has probable cause to believe that a person has committed a domestic violence offense, or same sex act of violence, the officer shall make a warrantless arrest when authorized by N.C.G.S. §15A-401.

OR

If a warrantless arrest is not authorized by N.C.G.S. § 15A-401 or the officer is unable to apprehend the suspect in a reasonable amount of time, the officer shall obtain the appropriate warrant(s). The officer may allow the victim to accompany him/her when obtaining the warrant(s). However, it is the officer's responsibility to obtain the warrant(s), regardless of the victim's participation in the process.

N.C.G.S. § 50B-4.1(a) requires a warrantless arrest in cases where there is a Domestic Violence Protective Order in effect and there is probable cause to believe that the suspect violated the order under the following provisions which:

- Exclude the suspect from the residence occupied by the victim;
- Direct the suspect to refrain from:
    - threatening, abusing, or following the other party; or
    - harassing the other party, including by telephone, visiting the home or workplace, or other means; or
    - otherwise interfering with the victim.

If an officer has probable cause to believe that a person has committed an offense under N.C.G.S. § 50B-4.1, the officer shall make a warrantless arrest

OR

If the officer is unable to apprehend the suspect in a reasonable amount of time, the officer shall obtain the appropriate warrant(s). The officer may allow the victim to accompany him/her when obtaining the warrant(s). However, it is the officer's responsibility to obtain the warrant(s), regardless of the victim's participation in the process. The terms of the Domestic Violence Protective Order remain enforceable until the order expires or is terminated by court action.

If the suspect has left the scene and probable cause for a warrantless arrest exists under N.C.G.S. § 15A-401 or N.C.G.S. § 50B-4.1, the officer will make a reasonable effort to locate and arrest the suspect. In the rare circumstance when probable cause exists but the officer does not feel that an arrest is the appropriate response, the officer shall contact a supervisor, obtain his/her approval, and carefully document the circumstances in a written report.

An officer should not:

- Base the decision to not arrest on:
    - the absence of visible signs of injury;
    - the officer's belief that the victim will not assist in prosecution.
- Make any statements which would discourage a victim from reporting an act of domestic violence, or same sex act of violence.

Threaten, suggest, or otherwise indicate the possibility of arrest of all parties in order to discourage future requests for intervention by law enforcement. If a crime is alleged and a warrant is not obtained, then the officer must explain in detail in their narrative why he or she did not obtain a warrant.

FEDERAL CRIMES AND OUT-OF-STATE PROTECTIVE ORDERS

If an officer encounters an out-of-state protective order, or an order issued under the jurisdiction of an Indian tribe, he or she must enforce its provisions if one of the following conditions exist:

- The protective order has been registered with a North Carolina Clerk of Superior Court; or
- A copy of the order is provided and the person protected states that the order is still in effect; or
- The protective order can be verified as currently being in effect by the issuing jurisdiction; or
- The protection order can be verified as currently being in effect by NCIC.

If a protected person provides a copy of an out-of-state protective order, and states that it is still in effect, and it is determined that the order was not in effect, then the officer may charge the person who made the false statement with N.C.G.S. § 50B-4.2 (False statement regarding protective order a misdemeanor.)

If an officer encounters such a situation, he or she should take appropriate action under North Carolina law and contact DVU for further assistance.

VICTIM SERVICES

Whether or not an arrest is made, the officer should provide the following services or information to the victim:

- At a minimum, provide the victim with the responding officer's name, and any incident report numbers.
- Remain on the scene to preserve the peace while the victim removes such items as food, clothing, medication and other personal property as is reasonably necessary to enable the victim and any minor children to stay elsewhere.

- Transport the victim to appropriate facilities, such as hospitals, the magistrate's office, or safe shelter, upon the request of the victim.
- If requests are made by a victim or a victim's advocate for police assistance in removing belongings from the victim's residence or transportation sometime after an initial incident, officers may provide whatever assistance is reasonable and prudent.
- Provide the victim with a copy of the North Carolina Victim Notification form (when a crime has been committed).

DEPARTMENTAL PERSONNEL INVOLVED IN DOMESTIC VIOLENCE INCIDENTS

When a member of the Durham Police Department is involved in a domestic violence situation or same sex act of violence and sworn personnel are dispatched to the scene, the following procedure shall be adhered to:

- The first responding officer shall notify his or her supervisor, who will respond to the scene and will coordinate the initial investigation. The procedure should be the same as it would be in any domestic violence or same sex act of violence incident.
- The supervisor will notify the Watch Commander, who will have a Domestic Violence Investigator of at least the rank of Corporal (or that supervisors designee) dispatched to the scene regardless if a criminal offense appears to have taken place or not and notify the involved employee's chain of command
- If a weapon was reportedly used in the offense, Forensic Services will be called to collect it, and turn it into property.
- If there is probable cause to believe the involved member committed a criminal offense, the Watch Commander will notify the Professional Standards Division.
- The supervisor will advise DECC to make an audio tape of any 911 recordings related to the incident. The recordings and the written report of the incident should be forwarded to the Domestic Violence Unit and the Professional Standards Division within 24 hours.

MANDATORY REPORTING

If an employee of the Durham Police Department is aware of a domestic violence incident or same sex act of violence involving another member, that employee must inform their immediate supervisor, who must notify the victim's chain-of-command. The Assistant Chief of the involved employee will then inform the Professional Standards Division.

The provisions of this order that deal with Departmental personnel are intended to further the credibility and effectiveness of this Department and should not be construed as a protocol that assumes guilt or innocence of Departmental employees.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4047 R-3**

4SPEED MEASURING DEVICES / DRIVING PRIVILEGE VIOLATIONS / DRIVER RE-EXAMINATIONS

Effective Date: 12/15/1995	Revision Dates: R-1 05/15/1996; R-2 04/28/2004; **R-3 05/29/2017**

INTRODUCTION

It is the policy of the Durham Police Department (DPD) to address and maintain certain guidelines regarding very specific, yet not unusual, circumstances addressed herein, and to maintain adherence to these policies and rules while still maintaining the necessary amount of discretion and judgment on the part of the officer.

NO DRIVING PRIVILEGES PROCEDURES

During a traffic stop or crash investigation, an officer should check the current status of the vehicle operator's driving privileges. If the driver has a valid license, then the officer's actions should be dictated by the initial violation or contact.

If the vehicle operator does not have a valid driver's license, the officer should determine if the driver was issued a license through this state or their state of residency. If it can be determined no license has been issued, the officer should cite for no operator's license, unless circumstances warrant a physical arrest (e.g., no supporting identification, out-of-state resident).

If the violator was issued a license in this state or their state of residence and the violator's driving privileges have been revoked or suspended, the officer should cite or arrest for operating a motor vehicle during a period of suspension or revocation.

In either case, the driver should not be allowed to drive from the location of the traffic stop, and other arrangements for operation of the vehicle should be made (e.g., another licensed driver in the vehicle, or someone who can pick the vehicle up). Unless the driver is arrested and unable to make arrangements for movement of the vehicle, the vehicle need not be towed unless it is obstructing traffic or unlawfully parked.

If there is doubt about the validity of the driver's license and verification cannot be gained within a reasonable period of time, the officer may release the driver until verification is gained. A citation may be issued at a later time once confirmation of the license suspension or revocation is received.

SPEED MEASURING DEVICES

The effective use of speed measuring devices and their evidentiary value in court is dependent upon the operator's complete understanding of these devices, adequate training and the initial certification combined with periodic re-certification to demonstrate the operator's proficiency, as well as maintenance and calibration of the devices, and properly maintained records to demonstrate accuracy.

This department will use speed measuring devices in high or potentially high collision locations when speed is a factor, in areas where speed limit violations are prevalent, in response to citizen complaints concerning speeding motorists, and in other locations where traffic safety problems exist.

CONSIDERATIONS AFFECTING THE USE OF SPEED MEASURING DEVICES

Prior to utilizing a speed measuring device, an officer must successfully complete a basic operator program and receive certification by the North Carolina Criminal Justice Education and Training Standards Commission. The officer must maintain certification in order to continue operating the speed measuring device. The Training Division will coordinate and provide for operator basic and refresher training as necessary.

Officers who operate speed measuring devices shall ensure that all manufacturer's recommended maintenance, calibration and operational record systems (suitable for introduction as evidence in court and consistent with rules adopted by the North Carolina Criminal Justice Education and Training Standards Commission) are developed and maintained.

Department members who recommend or approve the purchase or use of speed measuring devices shall ensure that the device is approved by the North Carolina Criminal Justice Education and Training Standards Commission.

USE OF SPEED MEASURING DEVICES

The precise method for using a speed measuring device will vary in accordance with the type of equipment used. All methods of use shall be in compliance with state law and procedures set forth by the North Carolina Criminal Justice Education and Training Standards Commission. Generally, the following procedures are applicable:

- The speed measuring device must be properly installed.
- The operator must choose an appropriate location that is conducive to the effective and safe operation of the speed measuring device.
- The effective range of the particular speed measuring device must be thoroughly understood by the operator so visual observations may support the speed readings.
- The speed measuring device shall be properly calibrated to ensure accuracy in checking speed.

A secondary method used to measure violator speed is a certified speedometer. Whenever a speedometer is used as a basis for issuing a citation for a speeding violation, it shall be in a police vehicle that is up to date on all maintenance requirements and is equipped with a calibrated speedometer.

REQUEST FOR RE-EXAMINATION OF DRIVER

Routine enforcement, collision reporting and investigation activities frequently lead to the discovery of drivers who have suspected incompetence, through physical or mental disability, disease or other condition, which might prevent the person from exercising reasonable and ordinary care over a motor vehicle. Officers detecting

such a person should complete a request for a re-examination on the DMV form titled, “Medical Request for Driver Reexamination”, and submitted to the Records Section after completion. Records personnel will submit the request to the DMV. The information to be entered is self-explanatory and the officer must be able to articulate the reason for the recommendation of re-examination by checking the appropriate problem or explaining one that is not listed.

Cerelyn J. Davis
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4048 R-2**

GUIDELINES FOR EXCHANGING INTELLIGENCE INFORMATION

Effective Date: 12/15/1995	Revision Dates: R-1 01/10/2005; **R-2 01/06/2015**

INTRODUCTION

It is the policy of the Durham Police Department that officers utilize a specific intelligence gathering mechanism while simultaneously emphasizing officer safety, individual rights and community sensitivity in accordance with 28 CFR Part 23.

The Department recognizes the need to disseminate crucial information pertaining to the identity, activities, and movements of known members and activities of radical groups in the area, suspected terrorist individuals and groups, and other individuals and groups known to be or suspected of being a threat to law and order in our area.

SUBMISSION CRITERIA

Officers should submit intelligence information to the Criminal Intelligence Unit which conforms to the following:

- Information should be submitted when there is:
  - "reasonable suspicion of criminal activity", which is defined as a circumstance or set of circumstances in which a subject or entity is now or has been recently the subject of a specific investigation, and
  - the person or persons suspected criminal activities are part of or suspected to be a part of a criminal organization.
- Information concerning religious, political, and social matters shall be accepted only when such information is directly related 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.
- No information shall be submitted which has been obtained in violation of any Federal, State, or Local Law or Ordinance.

Submissions which do not meet these criteria will be returned to the sender or destroyed if the Criminal Intelligence Unit is unable to determine the sender. If an officer has an investigative encounter that does not meet the above criteria, then a Field Contact form will be completed per G.O. 4028 Report Writing.

MAKING A SUBMISSION

Submissions of information to the Criminal Intelligence Unit should be made by completing a "Durham Police Department Intelligence Submission Form" (Attachment #1) and folding the form so that the pre-printed address for the Criminal Intelligence Unit shows on the outside and sealing it with tape or a staple. Submissions may also be made in a sealed envelope or hand delivered.

It is essential that the submission form contains the following information:

- Officers name
- Date
- Subject/Entity name
- Source reliability
- Information evaluation
- Dissemination code
- Officers signature

With regard to the Source Reliability, the choices are:

- Completely Reliable - This refers to a source about whom there is no doubt of trustworthiness or competency. Information supplied by the Source in the past has proved to be reliable in all instances.
- Usually Reliable - This refers to a source about whom there may be some doubt as to trustworthiness or competency. In the majority of instances, however, information from this Source has proved to be reliable.
- Unknown - This refers to a Source whose reliability has not been determined by either investigation or experience.

With regard to Information Evaluation, the choices are:

- Confirmed - Information which is substantiated or confirmed by one or more independent sources.
- Possibly True - This refers to information which has neither been confirmed nor contradicted. The indications are that the information agrees somewhat with the general body of the intelligence on the subject/entity, and is reasonably logical, but is not yet capable of confirmation.
- Unknown - The truth cannot be judged due to a lack of knowledge or intelligence on the same subject.

GUIDELINES FOR INTELLIGENCE GATHERING

An investigative stop or detention occurs when an officer has reasonable articulable suspicion that a crime has either just occurred, is in progress or is immediately about to occur. During an investigative stop or detention, the citizen's freedom to leave is dependent on the reasonable suspicion or probable cause the officer has developed during the stop.

A consensual encounter occurs when an officer has contact with a citizen in an attempt to gather information. During a consensual encounter, the citizen is free to leave at any time during the contact. During consensual encounters, persons cannot be arrested for Obstructing and Delaying an Officer for failing to cooperate.

Officers coming into contact with subjects during either an investigative stop/detention or a consensual encounter will document their stop in accordance with the submission criteria stated in this policy.

DISSEMINATION CRITERIA

Intelligence information shall be disseminated only when there is a need-to-know and a right-to-know the information in performing a law enforcement activity.

Need-to-know means that obtaining the information is necessary and pertinent to initiate, further, or complete an investigation.

Right-to-know means that the person requesting the information is authorized to receive it.

Any information submitted to the Criminal Intelligence Unit by an officer remains the property of the submitting officer. Requested information shall only be disseminated as indicated by the original contributor on the Intelligence Form.

With regard to dissemination, the choices are:

- Restricted - Information is for file purposes only, it is not to be released until notification is given by original contributor.
- Department Only - Information shall be released only to personnel within the Durham Police department.
- Need-To-Know - Information shall be released to any criminal justice agency or personnel authorized to receive Intelligence information.

These restrictions shall not limit the dissemination of an assessment of criminal intelligence information to a government official or to any other individual, when necessary, to avoid imminent danger to life or property.

MAINTENANCE OF THE INTELLIGENCE SUBMISSION FORM FILE

All Intelligence Submission Forms will be maintained by the Criminal Intelligence Unit, who will file the completed forms and be responsible for their security. The forms shall be filed in the following manner:

- The forms will be maintained in a file in the Criminal Intelligence Unit.
- The forms will be maintained for a period in accordance with 28 CFR Part 23.
- No information will be released from these files except to further law enforcement investigations.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4049 R-4**

COMMUNICABLE DISEASES & BLOODBORNE PATHOGENS

Effective Date: 12/19/1995	Revision Dates: R-1 05/16/1997; R-2 04/28/2004; R-3 01/31/2013; **R-4 01/06/2015**

INTRODUCTION

The Durham Police Department will provide employees with safety procedures, protective equipment and guidelines to minimize their occupational exposure, and increase their understanding of the nature and potential risks of exposure to communicable diseases and bloodborne pathogens. Each employee is responsible for controlling their own exposure and preventing the spread of bloodborne pathogens.

The Department's Exposure Control Plan will comply with all applicable federal, state and local regulations, specifically OSHA Bloodborne Pathogens Standard 29 CFR 1910.1030, and Durham City Policies.

DEFINITIONS

Bio-Hazardous Waste: Any contaminated item that would release blood or other potentially infectious materials during handling. NOTE: Employees will take into custody blood or body fluid stained property only when needed for evidence.

Bloodborne Pathogens: A disease-producing microorganism or material that is contained in the blood or other body fluids contaminated with blood.

Body Fluids: Liquids including blood, semen and vaginal or other secretions that might contain these fluids, such as saliva, vomit, urine or feces.

Contaminated: Blood or other potentially infectious materials that are present or are reasonably anticipated as present on any item, surface, or equipment.

Communicable Disease: An infectious disease that is capable of being passed to another person by contact with the infected individual or their body fluids.

Potentially Infectious Materials: Human body fluids such as blood, body secretions, tissue specimens, semen, vaginal secretions, cerebrospinal fluid, and any other body fluid visibly contaminated with blood.

Significant Exposure: When employees come into contact with blood or other potentially infectious body fluids through a needle stick, an open wound, non-intact skin or mucus membranes during the performance of normal

job duties. Direct contact with sputum, feces, nasal secretions, sweat, tears, urine and vomit will not be considered a significant exposure unless these body fluids are contaminated with blood and come in contact with an employee's non-intact skin, open wounds, or mucous membranes.

Source Individual: Any individual, living or dead, whose blood or other potentially infectious materials may be a source of occupational exposure to the employee.

Body Substance Isolation: An approach to infection control. According to the concept of universal precautions, all human blood and certain human bodily fluids are treated as if known to be infectious for HIV, HBV, and other blood borne pathogens.

EXPOSURE CONTROL PLAN PROGRAM ADMINISTRATION:

The Executive Officer to the Deputy Chief of Operations will act as the Designated Officer (DO) for the administration and operation of the Durham Police Department's exposure control plan unless another member is assigned this position by the Chief of Police.

The DO will be responsible for the following duties with respect to exposure management:

- Ensure DPD employees receive the appropriate evaluation and information about biohazard exposures.
- Serve as a point of contact for DPD for receiving reports of possible exposure events from employees and medical personnel who have transported or been exposed to an individual with an airborne or other high-risk communicable disease.
- Provide support for members and supervisors dealing with a possible exposure incident. This support may include determining whether a possible exposure has occurred and assisting with obtaining medical evaluation and treatment.
- Liaison with Durham County Emergency Medical Service Coordinator to coordinate the contact with medical officials when necessary to obtain medical information, appointments, evaluations, or services in furthering exposure incidents.
- Maintain the confidentiality of all information acquired directly or incidentally in the course of fulfilling the responsibility for management.

PREVENTION GUIDELINES

Basic prevention guidelines are intended to minimize the likelihood of exposure to communicable diseases, blood borne pathogens, or other infectious materials. Members should assume that all contacts with blood or contaminated materials could result in transmission of a blood borne pathogen or communicable disease.

Universal precautions will be observed to prevent contact with blood or other potentially infectious materials.

Where occupational exposure is a risk, members will use personal protective equipment to minimize exposure. The Department will provide personal protective equipment at no cost to the employees in order to reduce the risk of disease transmission.

Employees will wash their hands and any other affected skin with soap and water, or flush mucous membranes with water, immediately or as soon as feasible following contact of such body areas with blood or other potentially infectious materials, or after the removal of gloves or other personal protective equipment. If hand-washing facilities are not available then the member should use antiseptic towelettes or hand cleaner and clean

paper towels. When antiseptic towelettes or hand cleaner is used, hands should still be washed with soap and running water as soon as feasible.

Members who have an open wound or break in their skin should cover it with an impenetrable bandage while they are on duty.

Disposable gloves will be worn when handling any persons, clothing or equipment with bodily fluids on them.

Masks in combination with eye protection devices, such as goggles or glasses with solid side shields or chin-length face shields, shall be worn whenever splashes, spray, spatter or droplets of potentially infectious materials may be generated and eye, nose or mouth contamination can be reasonably anticipated.

Plastic mouthpieces or other authorized barrier/resuscitation devices will be used whenever an employee performs CPR or mouth-to-mouth resuscitation.

All sharp instruments such as knives, and needles shall be handled with extraordinary care and should be considered contaminated items.

Needles shall not be recapped, bent, broken, removed from a disposable syringe or otherwise manipulated by hand. Needles shall be placed in departmentally provided, sharps container when being collected for evidence, disposal or transportation purposes.

Employees shall not smoke, eat, drink, apply cosmetics, or handle contact lenses around areas where blood, bodily fluid, or other potentially infectious materials are present. Food and drink will not be kept in refrigerators, freezers, shelves, cabinets, on countertops or work surfaces where blood or other potentially infectious materials are present.

All procedures and handling of blood or other potentially infectious materials will be performed in such a manner as to minimize splashing, spraying, spattering, or generation of droplets of these substances.

Members should be aware that certain prescribed medications, such as steroids and asthma medications, or medical conditions suppress their immune system and make them more susceptible to infectious diseases. Members should consult their physicians about these effects.

INFECTION CONTROL PROTOCOLS

Infection Control Training

All members providing emergency services will be required to complete initial infection control training at the time of assignment to tasks where occupational exposure may occur. Refresher infection control training shall occur at least annually thereafter. Training will be in compliance with OSHA Regulation 29 CFR Part 1910.1030:

Written records of all training sessions will be maintained as part of the employee’s permanent in-service training record.

Station Environment

Infectious waste storage areas will be marked with biohazard signs and will be maintained in accordance with all EPA and local regulations. Currently, the only such area is at Property & Evidence, District 1 Substation. Contaminated sharps will be stored in closed puncture- resistant containers (sharps boxes) with appropriate biohazard markings and color-coding. Other contaminated materials will be stored in leak-proof bags with

appropriate markings and color-coding. If outside contamination of a disposal bag is a possibility, a second bag with identical markings will be placed over the first.

All disposal of biohazard waste will be accordance with EPA and local regulations and will be performed by an approved licensed contractor designated by the department.

Under no circumstances will any kitchen facility be used for the purpose of cleaning, sterilizing, disinfecting, storing, or disposal of any infectious material or waste.

Personal Protective Equipment

Standards for personal protective equipment (PPE) will be developed by the DO and updated or modified as needed. The department is responsible for the supply, repair, replacement, and safe disposal of infection control PPE. The DO will determine proper stock supply levels of PPE both for stations and for response vehicles. Clean infection control personal protective equipment will be maintained in supply.

Available PPE will include disposable gloves or rubber gloves for disinfection purposes, facemasks, eye protectors, fluid-impervious gowns, sharps containers, CPR masks, and leak proof disposal bags.

Disposable gloves will be constructed of latex or nitrile. Any member with latex sensitivity will be issued nitrile gloves.

Sharps containers will be closable, puncture resistant, and leak proof on sides and bottom. Sharps containers will be color coded, labeled as a biohazard, and immediately accessible.

Selection and Use of Personal Protective Equipment

Emergency response often is unpredictable and uncontrollable. Blood is the single most important source of HIV and HBV infection in the workplace. Potentially infectious body materials mandate the use of barrier protection. If in doubt, use PPE.

In general, members should select PPE appropriate to the potential for spill, splash, or exposure to body fluids. No standard operating procedure or PPE ensemble can cover all situations. Common sense must be used. When in doubt, select maximal rather than minimal PPE.

Disposable latex or nitrile gloves will be worn during any contact with another person when potential exists for contact with blood, body fluids, non-intact skin, or other infectious material.

Gloves will be replaced as soon as possible when soiled, torn, or punctured. All users of gloves will wash their hands after glove removal.

Disposable latex or nitrile gloves will not be reused.

Where possible, gloves should be changed between touching people in multiple casualty situations.

Heavy-duty utility gloves may be used for the handling, cleaning, decontamination, or disinfection of potentially contaminated equipment.

Facial protection will be used in any situation where splash contact with the face is possible. Facial protection may be afforded by using both a facemask and eye protection. When encountering a person with a suspected or known airborne transmissible disease, face masks will be used. The first choice is to mask the possibly contagious person. If this is not feasible, mask the Department member(s).

Scene Operations

Members will be encouraged to use maximal rather than minimal PPE for each situation.

While complete control of the emergency scene is not possible, scene operations as much as possible will attempt to limit splashing, spraying, or aerosolization of body fluids.

The minimum number of members required to complete the task safely will be used for all on scene operations. Members not immediately needed on scene will remain a safe distance from operations where communicable disease exposure is possible or anticipated.

Hand washing is the most important infection control procedure.

Members will wash hands:

- After removing PPE;
- After each contact with a prisoner or other person;
- After handling potentially infectious materials;
- After cleaning or decontaminating equipment;

For CPR, officers will incorporate the use of masks in accordance with their CPR certification.

After use, all PPE will be placed in leak proof bag color-coded biohazard bags, and transported to Property & Evidence for proper disposal.

No medical information about any person with whom a Department member has contact will be released on scene. Media queries will be referred to the Department Public Information Officer or Chief.

At conclusion of on-scene operations, all potentially contaminated prisoner property or PPE will be removed for appropriate disposal or decontamination and reuse.

Cleanup Protocols

Upon completing a call where any PPE is used, contaminated equipment will be removed and replaced with clean equipment. Supplies of PPE on response vehicles will be replenished by the member assigned/inspecting or using the vehicle.

Contaminated ventilation masks that are unable to be cleaned and re-used in accordance with manufacturer specifications should be placed in the Bio-Hazard box at Property & Evidence for disposal. The member disposing of the mask is responsible for having the mask replaced from supply immediately as well as any other equipment used from the Bio-Hazard kit.

Contaminated equipment will be placed in the Bio-Hazard box at Property & Evidence.

Cleaning and decontamination will be performed as soon as practical.

Disposable equipment and other biohazard waste generated during on-scene operations will be stored in the biohazard bag and will be placed in the Bio-Hazard box at police headquarters.

Gloves will be worn for all contact with contaminated equipment or materials. Other PPE will be used depending on splash or spill potential. Heavy-duty utility gloves may be used for cleaning, disinfection, or decontamination of equipment.

Disinfection will be performed with a department-approved disinfectant or with a 1:10 solution of bleach in water. All disinfectants will be tuberculocidal and EPA approved and registered.

Any damaged equipment will be cleaned and disinfected before being sent out for repair.

The manufacturer's guidelines will be used for the cleaning and decontamination of all equipment. Unless otherwise specified:

- Durable equipment (car seats, interiors) will be washed with hot soapy water, rinsed with clean water, and disinfected with an approved disinfectant or 1:10 bleach solutions. Equipment will be allowed to air dry.
- Delicate equipment (radios, portable breath testers, etc.) will be wiped clean of any debris using hot soapy water, wiped with clean water, then wiped with disinfectant or 1:10 bleach solution. Equipment will be allowed to air dry.
- Work surfaces will be decontaminated with an appropriate disinfectant after completion of procedures, and after spillage or contamination with blood or potentially infectious materials. Contaminated boots and shoes will be brush-scrubbed with a hot solution of soapy water, rinsed with clean water, and allowed to air dry.

Contaminated Uniform Cleaning Procedure

- Under no circumstances will members wash work-contaminated clothes at home. This will help protect members' families from both infectious and chemical contamination.. Contaminated work clothes will be removed and exchanged for clean clothes. The member will shower if body fluids were in contact with skin under work clothes.
- Place the soiled uniform in a red bio-hazard bag located at headquarters or in the Watch Commander’s vehicle. The member will then transport the bag to the approved laundry service for cleaning at city’s expense. The bill for such cleaning should be sent to the Fiscal Services Unit of the Police Department.
- Infectious wastes generated during cleaning and decontamination operations will be properly bagged and placed in the Bio-Hazard box at police headquarters.
- Any member exposed to potentially infectious material will immediately wash the exposed area with soap and water or saline eyewash if the eyes are involved.

All members should maintain extra clean work uniforms in their vehicle, station, or office, so that potentially contaminated uniforms can be changed without requiring the member to go home.

Post-Exposure Protocols

If a member believes they have encountered an exposure, the member will contact his or her supervisor immediately. If it is determined an exposure has occurred, then the member and their supervisor will complete an injury report/claim in accordance with G.O. 2015 On the Job Injuries & Transitional Duty, and an Exposure Incident Report (Attachment 1) before completion of shift for any of the following exposures:

- Needle stick injury; or
- Break in skin caused by a potentially contaminated object; or
- Splash of blood or other potentially infectious material into eyes, mucous membranes, or non-intact skin; or
- Mouth-to-mouth resuscitation without pocket mask/one- way valve; or

- Any other exposure that has been verified by medical personnel.

The report will include details of the task being performed, the means of transmission, the portal of entry, and the type of PPE in use at the time.

An employee who believes he or she has been exposed to a communicable disease shall:

- Thoroughly wash the area with appropriate cleaning agent if direct personal contact was made;
- Gather information about the person involved. Information collected by the employee shall include name, date of birth, any medical information legally available, and where the person is now, and what has led the employee to believe the person has an infectious disease;
- Due to the possible need for drug treatment that may be helpful in preventing the HIV infection, proceed directly to the Durham Regional Emergency Department (unless referred elsewhere by the 24 hour Employee Injury Call Center or the DO), informing the medical staff of all facts about the exposure and follow medical directives. Note that some treatment options to deal with any exposure are not effective unless the treatments are given within two (2) hours of the potential exposure;
- In the event that the employee cannot access Durham Regional Hospital, either the DO or the injury reporting call center should be contacted immediate for further instructions.

Members who have a potential exposure and are subsequently involved in an investigation shall be released to receive a medical evaluation during the two (2) hour time limit. After the medical evaluation and subsequent treatment, if medically indicated, they may be released to return to the investigation.

The medical evaluation will determine the need for laboratory testing, drug treatment, counseling, and follow-up.

If an employee is off duty and acting in the line of duty and believes that he or she has been exposed to an infectious or communicable disease, he or she shall notify the Watch Commander. After doing so, the employee shall follow the procedures outlined above.

Supervisory Responsibilities

If no problems are encountered regarding treatment for the exposed employee or testing of the source individual, the DO can be notified of the incident via the Exposure Form. If an exposed employee encounters problems at the emergency room regarding treatment and/or testing, or there is an issue with testing the source individual, the supervisor should immediately contact the DO. The DO will either provide further instruction to the supervisor or directly contact the medical staff to try to resolve the problem. If the DO is unable to resolve the issue, The County EMS Service Coordinator will be advised of the situation and they, in turn, will help facilitate the medical care and/or testing for the affected employee. The County EMS Service Coordinator may also assist with facilitating the source individual's testing when at a hospital or the County Jail.

Testing Procedures

The purpose of testing is to identify employees who have been exposed to an infectious or communicable disease. In the event an employee sustains an exposure, a scientific test of the suspected carrier's blood should be requested by the affected employee or an appropriate supervisor.

If the suspected source individual agrees to a blood test a hospital consent form must be signed which authorizes the member's physician to receive results of the test.

If the suspected source individual refuses a blood test, the employee shall request a blood test for him/herself and the DO will notified immediately. The DO shall be authorized to receive results of this blood test. If the source person is hospitalized then the Watch Commander or their designee will trace the source person to the receiving medical facility. They will notify the DO who will then contact the receiving facility that a communicable disease exposure took place and request an infectious disease determination, as provided under the Ryan White Act of 1990. Request for consent to test the source person for HIV and HBV will be made.

The City's OEM Provider will provide appropriate diagnostic work-up and treatment of members with communicable disease exposures. Services will include long-term follow-up and member or spousal counseling.

Compliance and Quality Monitoring Program

The DO will review compliance and quality monitoring data including:

- Inspections of station facilities.
- Observation of on-scene activities.
- Analysis of reported exposures to communicable diseases.

The exposure control plan will be reevaluated at least annually to ensure that the program is both appropriate and effective.

In addition, the Exposure Control Plan will be reevaluated as needed to reflect any significant changes in assigned tasks or procedures; in medical knowledge related to infection control; or in regulatory matters.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4050**

MISDEMEANOR ARRESTS - RESCINDED

Effective Date: 12/15/1995	Revision Dates: R-1 01/10/2005; Rescinded 11/16/2009

On November 16, 2009 this general order was rescinded. Its contents were incorporated into G.O. 4032.

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4051 R-2**

EMERGENCY VEHICLE EQUIPMENT & OPERATION

Effective Date: 12/15/1995	Revision Dates: R-1 01/10/2005; **R-2 04/20/2015**

INTRODUCTION

It is the policy of the Durham Police Department that officers operate department motor vehicles with due care and caution at all times. The first objective in an emergency situation is to arrive safely on the scene of the call; the second objective is to arrive as soon as possible.

It is also the policy of this Department that operators and front seat passengers of Department vehicles wear safety restraints (lap belts and shoulder harnesses) any time the vehicle is in forward motion.

GOVERNING AUTHORITY

N.C.G.S. § 20-145 - "…Speed limitations…shall not apply to vehicles when operated with due regard for safety under the direction of the police in the chase or apprehension of violators of the law or of persons charged with or suspected of any such violation…. This exemption shall not, however, protect the driver of any such vehicle from the consequence of a reckless disregard of the safety of others."

N.C.G.S. § 20-156(b) - "The driver of a vehicle upon the highway shall yield right of way to police and fire department vehicles…when 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 1000 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 traffic light emitting a flashing strobe signal or beam of steady or flashing red light. This provision shall not operate to relieve drivers of a police or fire department vehicle…from the duty to drive with due regard for the safety of all persons using the highways, nor shall it protect drivers of any such vehicle…from the consequences of any arbitrary exercise of such right-of-way.

USE OF EMERGENCY LIGHTS

The overhead lights and other emergency lights, such as corner strobes, will be used in conjunction with the siren for initiating traffic stops, vehicular pursuits and responding to emergency calls. The lights may be used alone for escorts and while stationary at traffic stops. The vehicle headlights should be used any time the overhead lights are on.

SIREN

The siren will be used in conjunction with the overhead lights when involved in vehicular pursuits and while responding to emergency calls.

HAZARD WARNING LIGHTS

The vehicle's hazard warning lights and emergency flashers will be used when assisting motorists, or while parking on or off the roadway.

POLICE VEHICLE SPOTLIGHTS

The mounted spotlight on the light bar should be used during felony vehicle stops or during any suspicious vehicle stop conducted at night. When available a hand-held spotlight should be used for checking property or locating house numbers when responding to calls. The hand-held spotlight should never be directed into the face of a citizen.

PUBLIC ADDRESS SYSTEM

The public address system should be utilized during a felony stop by the officer, or any other time necessary.

GENERAL CONSIDERATIONS WHEN RESPONDING TO AN EMERGENCY CALL

The operation of an emergency vehicle does not eliminate, but greatly increases the driver's need to use caution. All of the following factors must be considered at all times:

- The effect of an emergency situation on the driver's judgment.
- The unpredictable reaction of civilian drivers to the lights and siren.
- The chances that civilian may not see the lights or hear the siren.
- The driver's view of all lanes of traffic at intersections.
- Road conditions, including weather, daylight, or darkness, grades and traffic volumes.
- Potential hazards behind parked cars or other obstructions, especially in residential or commercial areas.
- The increased hazards of driving to the left of the center line.
- The chances that a civilian driver who has yielded to an emergency vehicle will not expect a second or third vehicle to be following.
- Other emergency vehicles responding to the same call.

LIMITATIONS ON OPERATION

All officers responding to calls shall limit the speed of their vehicle to a maximum of 15 mile per hour above the posted speed. When entering school zones or encountering school busses, extra caution shall be utilized regarding speed.

All officers responding to calls shall approach an intersection safely, ensuring that other motorists have yielded the right of way prior to entering the intersection,

All officers attempting to pass a vehicle shall pass only when there is a clear availability to overtake and pass a vehicle safely. Officers should not attempt to pass vehicles until the operators have been given the opportunity to yield right of way.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	Number: **4052 R-2**

VEHICLE STOPS

Effective Date: 12/15/1995	Revision Dates: R-1 07/25/2003; **R-2 11/03/2014**

INTRODUCTION

Officers of the Durham Police Department will follow the guidance in this directive and apply the officer survival techniques in a manner that reflects the circumstances and nature surrounding each vehicular stop. Due to the variety of possible circumstances, this General Order cannot be considered to be an absolute rule for operating in every set of circumstances. It should, however, be a general guide as to how to proceed in most normal situations.

RISK ASSESSMENT

When conducting traffic stops, Officers will be vigilant to factors that pose a threat to officer safety. Certain factors of a traffic stop may indicate the need for a tactical response, also known as “felony stop” or “known risk stop” procedures. These factors include (but are not limited to):

- Stolen vehicles;
- Existence of felony warrants on an occupant;
- Occupant is believed to be armed;
- Known heightened risk factors pertaining to the occupants of a vehicle.

Absent any of the above indicators, officers will follow the below procedures for unknown risk vehicle stops. If at any time during the traffic stop an officer becomes aware of the above indicators, the officer should notify communications and transition into known risk stop procedures.

UNKNOWN RISK VEHICLE STOPS

Location

Officers will, given the available options, select the stop location that maximizes safety for both the officer and the occupants of a vehicle and tactical advantages for the officer. The officer will take into considerations the following factors:

* Traffic congestion;
* Pedestrians;
* Road conditions and traffic flow;
* Night illumination;

* Visibility to oncoming traffic, and
* Escape route for the officer.

Officers may instruct an operator of a vehicle to move their vehicle, either via the vehicle's public address (PA) system or during the initial contact, after the stop has been initiated (e.g. move the stop from a narrow road into an adjacent parking lot.)

Radio Traffic Requirements

The officer will give the following information to Communications and receive an acknowledgment before exiting his or her vehicle:

* Location of the stop;
* License number of the vehicle;
* Description of the vehicle (include make, model, and color), and
* Number of occupants.

Position of the Law Enforcement Vehicle - See Diagram 1

The patrol vehicle will be positioned in a manner that:

- Allows for the emergency lights to be seen by passing motor vehicles;
- Allows for illumination of the suspect vehicle, and
- Provides the officer with concealment in the event the stop becomes a known risk stop after it has been initiated.

The recommended distance between the suspect vehicle and the patrol vehicle shall be approximately 10-15 feet. The license plate of the suspect vehicle should be visible from the officer's seated position

Offset of the patrol vehicle should be approximately three feet to the left on normal thoroughfares when possible and the front wheels should be turned sharply to the left. (Various conditions will preclude a left offset but some type of offset should be attempted.)

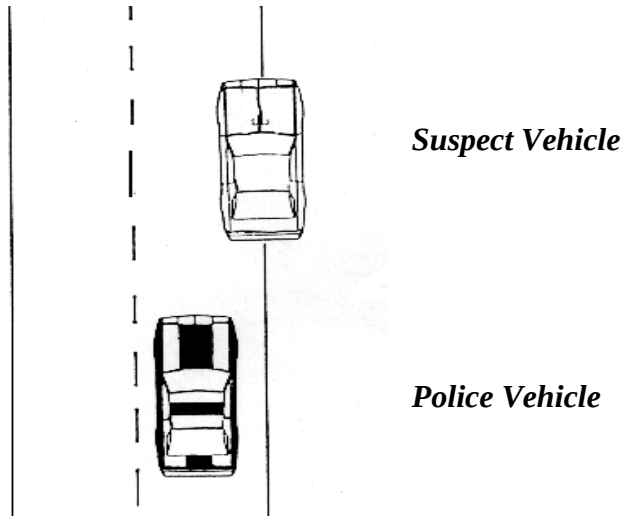


Diagram 1 – Unknown Risk Vehicle Stops - Vehicle Positioning

Approaching the Vehicle

Prior to exiting the patrol vehicle, the officer will check both the rear view and side view mirrors, and look to the rear as he or she opens the door to check the blind spot. As the officer exits the patrol car, he or she will face the car to reduce the body target area, and then he or she will approach the violator's vehicle presenting a profile target to the occupants of the violator's vehicle. Whenever possible, the officer's gun hand will remain free of any other items such as radios, batons, and citation books.

The officer will include a check of the trunk and visually scan the rear and front passenger area. Depending on the location of the stop, the officer may opt to contact the driver on the passenger side of the vehicle if doing so increases officer safety. He or she will verbally control the movement of all occupants in the vehicle, with special attention being paid to the hands of the occupants. The officer will visually check the back seat for passengers and/or weapons, and after determining that this area is clear, initiate contact with the driver. All verbal contact will be accomplished in a firm, fair, impartial and courteous manner. The officer will always exhibit a professional attitude.

The officer will instruct the driver to turn off the ignition and place both hands on the steering wheel. He or she will ask for the driver's license, vehicle registration and proof of insurance. The Officer will inform the driver of the reason for the stop during the initial contact. If the officer needs to remove an occupant of a vehicle for any reason, the officer will do so in a manner that maintains both officer safety and the safety of the vehicle occupant. Officers will return to the area of patrol car using the same caution and control as the approach.

Issuing a Citation

If a citation is to be written, it will be done in one of the following areas, based on the circumstances surrounding the stop:

- Driver's side of the patrol vehicle; violator remains in his vehicle.
- Passenger's side of the patrol vehicle; violator remains in his vehicle.
- Rear of the patrol vehicle (trunk area); violator remains in his vehicle.

The violator will not be placed in the patrol vehicle with the officer when a citation is written during a traffic stop. Once a citation is written, the officer will again approach the vehicle in the same manner as the initial contact. The officer will then request the operator sign the citation acknowledging receipt, explain the fine and whether or not the violators court appearance is mandatory or if payment of the fine may be made by mail. Officers shall refrain from entering into an argument with the violator or other occupants of the vehicle over the issuance of the citation. The officer should conclude his or her contact with the violator by thanking them for their cooperation.

Physical Arrests

If the stop results in a physical arrest, the officer will remove the suspect from the vehicle and proceed with searching and handcuffing techniques as prescribed by policy.

KNOWN RISK VEHICLE STOPS

Stops of this nature will require notification of the proper supervisory authority.

Location

The officer initiating the stop will take into consideration the same factors as outlined in unknown risk stops. In addition to those factors, officers should select a location knowing that the stop will not be relocated and that other patrol vehicles will be on scene. Whenever possible, the stop should not be initiated until back-up responds to the location.

Radio Traffic Requirements

Information transmitted to Communications will include everything listed in unknown risk stops and additionally will require the following:

- Reason for the stop;
- Direction of travel;
- Advise as to where the backup vehicle should be positioned;
- Advise as to the need for additional patrol vehicles not used at the stop site (example - traffic control units located out of the line of site of the stop to secure the take down area).

Position of the Law Enforcement Vehicle - See Diagram 2

Vehicle #1 will be the initial stop car and will be the contact officer responsible for the verbal control of the suspect vehicle. It will be located to the rear of the suspect vehicle and shall be positioned at a diagonal so that the officer can clearly observe the driver's side of the suspect vehicle from his or her open left front door. His or her visual area of responsibility will be the entire left side of the suspect vehicle and the immediate surrounding area

Additional backup vehicle(s) will be located to the rear of Vehicle #1 and will be positioned at a diagonal angle, offset of Vehicle #1. Backup vehicles will not be close enough to Vehicle #1 to impede the movement of the take down/cuffing officer. Backup officers will be tactically positioned at the rear of Vehicle #1. and will act as cover officers. Cover officers may, when available, utilize long-guns to provide an increased tactical advantage.

The officers will contain the suspect vehicle until additional officers arrive at the stop site to safely take custody of the occupants. Any additional officers arriving on scene will move tactically (using cover and concealment) to the stop site.

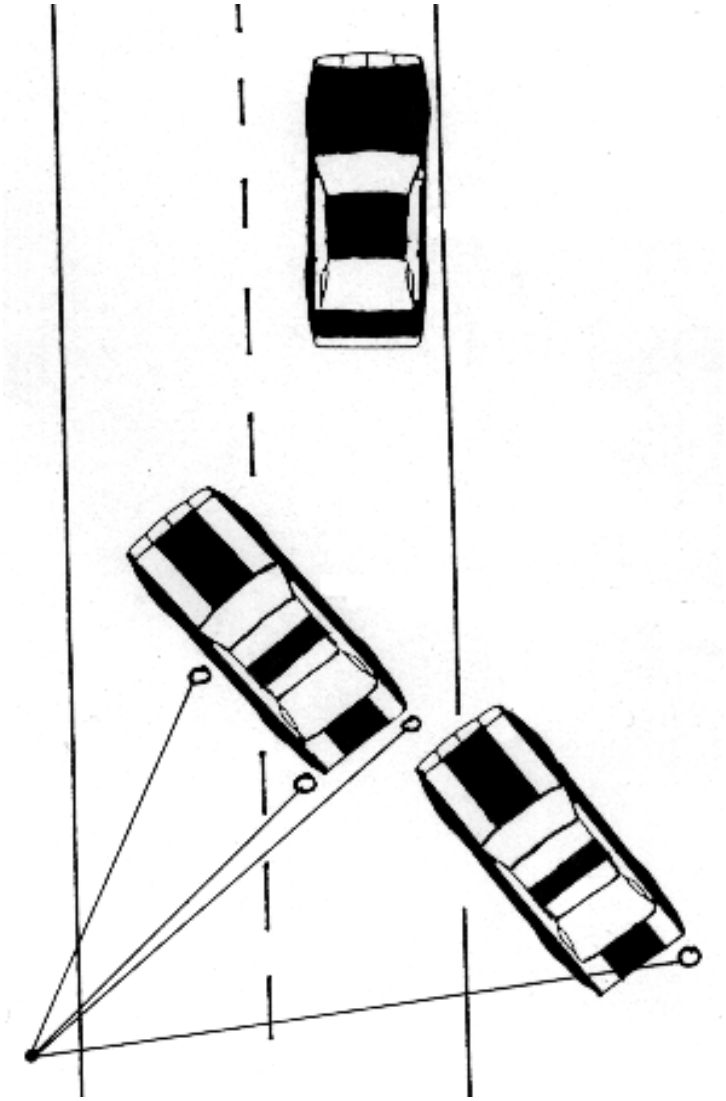


DIAGRAM 2 – KNOWN RISK VEHICLE STOPS - VEHICLE POSITIONING

Police Officer Positions

Dependent on dynamics of the stop, officers will position themselves in a manner that maintains cover and concealment and allows for clear lines of site to the driver and passenger side of the vehicle. Officers will communicate with each other and coordinate the best locations and assignments of contact and cover officers.

When positioning themselves, cover officers should also be aware of the surrounding area and assess potential officer safety issues that may not be directly related to the suspect vehicle. If any exist, additional back-up should be requested.

The contact officer, when satisfied that sufficient cover officers are in place, will initiate verbal commands. Depending on the environment of the stop, the contact officer may need to utilize their PA system. All commands will be clear, concise, and authoritative. They will control the suspect's movement during the entire stop and will not be rushed.

They will include the following:

- *Identification* of the officers as police, identification of the suspect vehicle (so there is no doubt about who is receiving commands) and advising the subjects that they are under investigative detention.

- *Explanation* for the reason of the stop and a clear statement emphasizing that all commands will be followed by the suspects.

- *Control* of the Suspects. Occupants will be instructed to make their hands clearly visible preferable by extending their arms out the windows.

- *Engine off*. The suspect driver will, on command, turn off the engine, remove the keys and hold them out the window. They will then be instructed to drop, not throw, the keys on the ground.

- *Exiting the vehicle*. Occupants of the vehicle will be removed one at a time. When removing occupants, the contact officer will identify the individual to be removed by their position in the vehicle ("driver, "front passenger", etc.) The occupant will be instructed to open the door from the outside with door handle, and then to push the door open with their foot. They will then be instructed to place their left, then right foot on the ground. Once completed, they will be instructed to slowly step out of the vehicle and face away from the officer's voice with their hands held high over their head. They will then be instructed to interlace their fingers and place them on their head and do a slow 360 degree circle in place, allowing officers to make a visual check for weapons. Once this is completed, they will be instructed to again face away from the officer's voice.

During these movements, cover officers will concentrate on their specific areas of responsibility and alert the contact officer of any problems.

The contact officer will then instruct the occupant to slowly walk backwards, keeping their hands on their head, toward to sound of the officer's voice. When the suspect reaches an area in a position of cover/concealment from the suspect vehicle, the suspect will be placed into a prone cuffing position and cuffed by a cover officer. A pat-down will be done for weapons and the suspect will be placed in the rear of Vehicle #2 or escorted out of the tactical area by a support officer brought up for that purpose.

This process will be repeated for all occupants of the suspect vehicle, one at a time, with the last occupant out of each door being instructed to leave the door open. All subsequent suspects will not exit the car until the suspect's preceding them are cuffed and contained. The last visible suspect will be ordered to leave the driver's door open, and to open the back door and leave same open. This will allow the interior to be visually cleared later.

Once all visible occupants have been removed from the vehicle and secured officers will, using sound tactical procedures, approach the vehicle and ensure that there are now additional occupants. Once the passenger compartments have been cleared, the trunk will also be cleared.

At any time during a known risk stop, if suspects are located and will not respond to verbal commands, the Selective Enforcement Team will be contacted for deployment. The team leader will have operational command of the stop.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4053**

COMPLETING & PROCESSING TRAFFIC CITATIONS - RESCINDED

Effective Date: 12/15/1995	Revision Dates: R-1 01/10/2005; Rescinded 11/16/2009

On November 16, 2009 this general order was rescinded.

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4054 R-4**

SERVICE OF LEGAL PROCESS

Effective Date: 12/15/1995	Revision Dates: R-1 05/01/1996; R-2 07/25/2003; R-3 04/26/2013; **R-4 08/19/2015**

INTRODUCTION

Police agencies are charged with the responsibility of executing legal process. The functioning of the judicial system is affected by prompt service of court documents, thus the effectiveness of the criminal justice system is dependent upon the effective and timely service of these documents. It is essential that procedures be established to ensure the execution and safekeeping of such legal process.

The service of legal process documents issued to the care and custody of the Durham Police Department will be executed efficiently and effectively by Department personnel only within the jurisdiction of the City of Durham and within any limitation set forth by a process and relevant statute, to include time.

DEFINITIONS

Legal Process - A valid document used by the court in either a criminal or civil proceeding to acquire or exercise its jurisdiction over a person or property.

Criminal Process – Legal process which compels a person to answer for a felony or misdemeanor violation of the law. It includes arrest warrants, orders for arrest, criminal summons and citations.

Arrest Warrant - Criminal process that charges a person with either a felony or misdemeanor, and orders an officer with authority and jurisdiction to execute the warrant by arresting the person and bringing him or her without unnecessary delay before a judicial official to answer to the charge.

Order for Arrest - Criminal process issued by a judicial official that directs a law enforcement officer to take a person into custody.

Criminal Summons - Criminal process issued by a judicial official charging a person with a felony, misdemeanor or infraction, and directing the person to appear in a court of law to answer the charge or charges.

Citation - Criminal process issued by a law enforcement officer or other person authorized by statute, directing a person to appear in court and answer a misdemeanor or infraction charge or charges.

Subpoena - A command to appear at a certain time and place to give testimony upon a certain matter or to furnish certain materials or documents in either a civil or criminal matter.

Search Warrant - A document issued by a judicial official directing law enforcement officers to search and seize specified persons, places, or property.

Juvenile Pick-up Order - A court issued order that directs a law enforcement officer to take physical custody of a juvenile person.

NCAWARE - A web-based system that was designed, developed, and implemented by the North Carolina Administrative Office of the Courts (NCAOC). The system maintains detailed information about criminal processes, such as arrest warrants, magistrate orders, citations that lead to an arrest, criminal summons, orders for arrest, release orders, and appearance bonds. It also tracks information for all people and businesses involved in such processes. With NCAWARE, law enforcement can view and print unserved process. Officers are also able to pre-fill arrest and arrest warrant information prior to appearing before the magistrate, thus decreasing processing time.

RESPONSIBILITIES

In accordance with N.C.G.S. § 160A-285, all sworn officers of the Department are vested with the authority to serve legal process, both criminal and civil, however, the Durham County Sheriff's Department is primarily responsible for the service of civil process in Durham County.

Officers assigned to the Uniform Patrol Bureau are primarily responsible for serving all legal process documents issued to the agency, to include filing requisite reports.

On a daily basis, DCI/Warrant Control personnel will electronically receive all criminal process records via NCAWARE. A system notice will be distributed to Operations unit commanders listing all felony warrants that were obtained by DPD officers during the previous 24 hours. The warrant will be assigned to the district where the defendant's last known address exists.

Felony warrants will be entered into NCIC and the agency's Records Management System within 72 hours of issuance. It is the responsibility of the officer taking out any felony warrant to ensure a wanted person hot sheet is turned into DCI/Warrant Control, along with a copy of the warrant. The warrant will be assigned to the officer obtaining it in the Records Management System.

DCI/Warrant Control receives an updated list of active juvenile pickup orders for Durham County, which are not contained in NCAWARE. Any hits from the list must be confirmed with the subject's case worker, or on-call representative from the Department of Juvenile Justice, before the juvenile is taken into secure custody and transported to the approved facility.

It shall be the responsibility of each District Commander to ensure that all legal processes with addresses in his or her District are served or attempted to be served in a timely and expeditious manner.

It shall be the responsibility of the Warrant Squad supervisor to monitor activity of assigned warrants, and coordinate with each District Commander to regarding the attempt to serve new warrants. The Warrant Squad is also responsible for periodically auditing warrants that have yet to be served. If an extensive number of warrants have service pending, an operation may be developed and implemented to attempt service.

WARRANT SERVICE PRIORITIES

It is the policy of this department to serve all outstanding arrest warrants without delay.

The priority of warrant services is as follows:

1. *Felony Warrants*- Because of the serious nature of felony offenses, all felony warrants should be served as expeditiously as possible.

2. *Failure to Appear*- Failure to appear and Failure to Comply warrants should be given a high priority, as there is a greater likelihood that those who willfully fail to appear and do not remain in the area for long.
3. *Misdemeanor Warrants*- In the absence of any felony warrants, misdemeanor warrants should be served beginning with the most serious misdemeanors.

RECORDS

All felony legal process documents are to be entered into the Records Management System and their status maintained by the DCI/Warrant Control unit of the Police Records section, including a geo-verified address for the defendant. Non-felony legal process documents will be maintained in NCAWARE. This system will be maintained in such a manner so as to permit 24-hour access.

Information to be recorded will include the following:

* Date and time received by the Department;
* Type of process;
* Nature of document;
* Source of document;
* Name of complainant or defendant;
* Obtaining Officer/Assigned Beat;
* District assigned for service;
* Date of assignment;
* Court document number;
* Date service due.

For all warrants in the NCAWARE system, execution will be documented as served in NCAWARE. A record on the execution or unsuccessfully attempted service of legal process will be maintained and shall include:

* Date and time service was executed/or attempted;
* Officers name and employee number executing or attempting service;
* Name of person on whom legal process was served;
* Method of service/reason for non-service. Reason for non-service should be brief (e.g. “subject not home”, or “subject moved to out of state” etc.);
* Address of service/attempt.

The above information for unsuccessful attempts at service will be documented in NCAWRE under “Process Tracking”. The above information for executed warrants will be documented in the appropriate systems (e.g. CAD, Incident Report and/or Arrest Report). Such records will be maintained in the agency’s Records Management System for all felony warrants, and NCAWARE for all other criminal process documents. While officers will record execution and attempted service of legal process directly in NCAWARE, DCI/Warrant Control must be contacted if either event occurs involving a felony warrant. In the case of a felony warrant being executed, the officer shall notify DCI of such service before clearing the Magistrate’s Office.

CONTROL OF SERVICE OF LEGAL PROCESS

In many cases, the service of a legal process, such as a warrant, will clear a case that an officer in the Department has investigated. Also, it is important to note in the Department Records Management System that a particular legal process has been served, so that another officer will not attempt to serve the same process, and therefore unjustly detain a citizen, and thus deprive the citizen of his or her rights, while the status of the legal process in question is researched. It should be noted that an officer shall never make an arrest on the basis of a computer "hit" through NCIC, DCI, or the Department's Records Management System until he or she has confirmed that the legal process exists and can be located.

In order to make sure that none of these issues occur, the following procedures shall be followed:

- Any officer who takes out a charge on a warrant, criminal summons, or other legal process that will clear a case investigated by any member of the Department, shall record the Incident Report number on the legal process. This shall occur at the time of issuance of the legal process.
- Any officer who serves any legal process that already has a Department Incident Report number on it shall use that Incident Report number on the arrest report when it is served, unless another Incident Report number has already been obtained, or there is another, unrelated incident that the suspect has been arrested for.
- If an officer serves any legal process and cannot use the original Incident Report number for any reason, he or she shall complete a Supplemental Investigation Report and submit it to records along with the arrest report, noting both the original and the current Incident Report number, so that records can clear the original case appropriately.
- Any officer who serves any legal process that is in the custody of the Department in the Records Unit, Warrant Control Office, shall make sure that it is cleared out of the Records Management System as having been served. This is done by contacting the Warrant Control Office by telephone, radio, or in person, and asking the Warrant Control clerk to clear out the warrant. The clerk will note in the Records Management System the employee number of the serving officer. The clerk will then give the serving officer the clerk's employee number. The serving officer shall note on the narrative section on the arrest report that the process was cleared, and the employee number of the clerk that cleared it.

CRIMINAL PROCESS

Only sworn officers shall execute criminal process and search warrants issued to the Durham Police Department.

Upon the execution of an arrest warrant or other legal process that authorizes a custodial arrest, the arresting officer shall transport the person arrested to a judicial official without unnecessary delay.

Officers may, as provided by N.C.G.S. § 15A-401(b), arrest violators without a warrant. Upon such arrest, the officer shall transport the arrested person to a judicial official to obtain the necessary legal process. In lieu of a custodial arrest, a criminal citation may be issued, at the officer's discretion, for misdemeanor violations.

Diplomatic immunity guaranteed by constitutional law must be considered in any arrest situation. Supervisory personnel are to be notified in such circumstances.

Criminal process execution in locations outside Departmental jurisdiction must be conducted in accordance with requirements of state law and the governing agencies involved. When it is necessary to arrest persons outside the Department's jurisdiction, officers of the agency having jurisdiction are to be utilized for the actual execution of the criminal process.

OTHER LEGAL PROCESS

In accordance with N.C.G.S. § 8-59, subpoenas for obtaining the testimony of witnesses in criminal cases may be served on an individual in person or by telephone by any employee of the agency.

The service of civil process documents, including *Temporary Restraining Orders*, to include N.C.G.S. § 50B *Domestic Violence Protection Orders*, are served by the Durham County Sheriff's Office. Temporary Restraining Orders are regularly enforced by the Durham Police Department. A copy of the order is generally delivered to the Department through the office of the attorney representing the victim. The Records Unit will retain a copy of each order until the case is disposed of in a court of law or one year from date of issue, whichever comes from first. Inactive orders will be maintained on file in accordance with the Department's records retention schedule.

PROPERTY

Property received, acquired or confiscated through the service or execution of criminal process will be disposed of in accordance with relevant statute and Departmental policy.

If property is returned to the owner prior to entry into the Departmental evidence/property system, it is to be so noted utilizing the appropriate report form.

Property retained is to be entered into the Departmental evidence/ property system in accordance with established policy and procedure.

Disposal of property will be managed through the property section of the Identification Unit according to established policy and procedure. (Refer to General Order 4058 - *Property and Evidence Control* for further details.)

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4055 R-3**

RIDE-ALONG PROGRAM

Effective Date: 12/15/1995	Revision Dates: R-1 09/01/2002; R-2 01/10/2005; **R-3 09/28/2011**

INTRODUCTION

The Durham Police Department Ride-Along program is a voluntary program aimed at educating the public in police operations and enhancing the relationship between the Department and the community it serves. The Department will attempt to comply with requests for ride-alongs from members of the community and other law enforcement organizations whenever practicable.

TYPES OF RIDE-ALONGS

Private Citizens

This category includes citizens of the community requesting to ride for the purpose of broadening their knowledge of the law enforcement profession, including, but not limited to, individuals enrolled in the Department's Citizen Police Academy, members of civic organizations, and students with an academic need or interest to observe police activities first hand.

No more than three (3) private citizens may be assigned at one time. Private citizens should be placed in different geographical districts. Requests will be handled on a first-come, first-served basis.

Participation will be limited to two (2) ride-alongs per calendar year. Participation will be restricted to a maximum of four (4) hours per ride-along.

Participation involving those individuals enrolled in the Department's Citizen Police Academy shall be governed by the procedures set forth in the academy's course outline.

Police Explorers

This category shall include any Explorer who has completed all prerequisites of the Post and therefore is in good standing. Explorers under the age of 18 must have

- the approval of the Chief of Police or his designee, and
- a permission slip must be signed by the explorer's parents or guardians, in addition to the liability form, prior to assignment.

All requests must be forwarded through and approved by the Explorer Advisor. The Explorer Advisor or designee will submit a schedule to the Uniform Patrol Administrative Captain which will include their name,

date and times for the ride along. The Uniform Patrol Administrative Captain will then review and approve the requests and forward to the Watch Commanders.

Qualified Explorers may participant in the Ride-Along Program three (3) times a month for no longer than four (4) hours each time.

Officers selected to have Explorers ride with them should be selected for their ability to interact and teach the Explorers. Officers who are accepted will receive the same Ride-Along training as set forth in section 9.01.01 of the Department's Explorer Manual with the addition of the following:

- Leadership Skills;
- Policy on Fraternization;
- Procedure for Termination of Ride-Along;
- Explorer Program Guidelines #23-457.

All information provided in the Durham Police Department's Explorer Manual shall apply and be adhered to by all Ride-Along participants.

Non-sworn Department Members and DECC Personnel

This category includes persons employed in a non-sworn police capacity by the City of Durham, interns (G.O. 1034) assigned to the Department and to personnel assigned to the Durham Emergency Communications Center.

Requests from non-sworn Department personnel and interns must be forwarded through and approved by the employee's supervisor. The employee's supervisor will forward the request to the Uniform Patrol Administrative Captain who will then review and make final approval of the requests.

Other Law Enforcement Personnel

This category includes sworn law enforcement personnel from other jurisdictions who are not involved in an investigation or otherwise acting in an official capacity. These particular officers will not be armed while participating in the ride-along program.

Members of the News Media

This category includes full-time, bona fide members of a news media organization. A specific job related purpose must be identified, evaluated and approved by the Division Commander or designee. Restrictions are placed on the number, time or duration of ride-alongs in this category by the Division Commander.

The Public Information Officer must be notified of the ride-along.

LIMITATIONS AND CONDITIONS FOR ALL RIDE-ALONG PARTICIPANTS

All persons authorized to ride in police vehicles will participate in a passenger/observer capacity only. Participants are not permitted to take part in any police action, assist in conducting investigations, or perform any other police task or function.

Participants are not permitted to operate any police vehicle, handle or possess firearms or weapons, or use any police equipment. Participants will use the communication system only in the event of an extreme emergency. Explorers may assist the officer that they are riding with only after being requested to do so by that officer.

The participant will be neatly dressed (no shorts, t-shirts, sandals, flip flops, etc).

Participants will be prohibited against possessing and/or operating any audio recording device, cameras, video cameras or any other electronic devices during the ride along, unless approved by the Chief of Police or designee.

Except for Explorers, participants must be 18 years old. Requests from persons under this age will be forwarded to the Chief of Police or his designee for review and approval.

Participants must contact the Uniform Patrol Administrative Captain or designee at least one week prior to the requested date for the ride along.

Assignments will be for a specified, consecutive period of time. Requests for multiple assignments will be forwarded to the Chief of Police or his designee for review and approval.

Assignments will be limited to the Uniform Patrol Division. Requests to ride in other divisions will be forwarded to the appropriate Division Commander for review and approval.

The Watch Commander will be notified of all ride-alongs.

It is possible that situations might arise that would expose the participants to undue danger, violence or other hazardous conditions. In such cases, the officer will exercise discretion and has the authority to temporarily discharge the passenger at a suitable and safe location while responding to and handling the call.

Any person submitting a request to participate as a passenger/observer may be rejected if such participation would not serve the best interests of the Department. Officers having knowledge of facts or circumstances that would tend to show the person unsuitable for participation should make these facts known to their immediate supervisors.

Each participant is under the direct and complete control of the officer to which assigned. Any officer experiencing difficulty with a participant has the authority to discharge the rider at Police Headquarters after notifying his or her supervisor, who will in turn notify the Watch Commander.

WAIVER AND RELEASE OF CLAIMS

The Watch Commander will ensure that a Waiver and Release of Claims form (Attachment 1) is properly completed and signed for all ride-alongs prior to each assignment, except for members of the Volunteer Police Chaplains and the NC Child Response Initiative (NCCRI).

The Uniform Patrol Administrative Captain will ensure that a Waiver and Release of Claims form is properly completed and signed prior to initial assignment of a member of the Volunteer Police Chaplains or the NCCRI. Forms from members of the Volunteer Police Chaplains and the NCCRI are not required to be executed prior to each and every ride since their participation in the Ride-Along program is of a continuing nature, but shall be updated every six months from the date of execution. The Uniform Patrol Administrative Captain is responsible for ensuring that updated Waiver and Release of Claims forms have been received from such members prior to any assignment.

All Waiver and Release Forms will be forwarded to the Records Division. The Records Unit shall file and maintain the forms for a minimum of three years from the date of execution.

COORDINATION OF ASSIGNMENTS

All requests to participate in the program will be evaluated and approved through the Uniform Patrol Administrative Captain. Once the request is approved it will be forwarded to the appropriate Watch Commander. The Watch Commander in conjunction will make assignments with affected field Sergeants.

Police Explorers will be given priority over civilians in making assignments.

The Watch Commander or designee will conduct a Durham Police Department records management system check and a warrant check on persons requesting to conduct a ride along. Any convicted felons, persons with a misdemeanor conviction reflecting offences which include as elements violence, intimidation, obstruction of justice, or fraud or any with outstanding warrants, will be denied.

The Officer chosen for the ride along participant must be released from the Police Training Program for at least one year. The individual's ride along assignment will be recorded in the log book by the Desk officer.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4056 R-8**

MISSING & FOUND PERSONS

Effective Date: 03/01/1996	Revision Dates: R-1 09/01/2002; R-2 01/06/2003; R-3 07/25/2003; R-4 12/05/2003; R-5 11/16/2009; R-6 09/28/2011; R-7 12/15/2012; **R-8 11/09/2015**

INTRODUCTION

The Durham Police Department actively investigates all missing person cases in accordance with N.C.G.S. § 143B-1010 – §143B-1022.

DEFINITIONS

Missing Person - Any individual who is 18 years of age or older, whose temporary or permanent residence is in North Carolina, or is believed to be in North Carolina, whose location has not been determined, and who has been reported as missing to a law enforcement agency.

Missing Child - A juvenile as defined by N.C.G.S. § 7B-101(14) whose location has not been determined, who has been reported as missing to a law enforcement agency, and whose parent's, spouse's, guardian's or legal custodian's temporary or permanent residence is in North Carolina or is believed to be in North Carolina.

North Carolina Amber Alert System – This is a joint effort with participating radio and television stations to immediately notify the public of any stranger child abductions when the child is 17 years of age or younger. These participating radio and television stations will interrupt regular programming with an alert tone and provide the public with information provided by the Department.

North Carolina Center for Missing Persons - The center is established within the Department of Public Safety for the purpose of serving as a central repository for information regarding missing persons and missing children, with special emphasis on missing children.

North Carolina Silver Alert System – Established through the NC Center for Missing Persons, the Silver Alert System is a program designed to quickly notify the public about missing endangered people that suffer from dementia or other cognitive impairment.

GENERAL MISSING PERSON CALL PROCEDURES

A Missing Person Report will be completed for any person (adult or juvenile) reported missing to the Durham Police Department whose temporary or permanent residence is the City of Durham or whose parent(s), spouse, guardian or legal custodian's temporary or permanent residence is the City of Durham or one who is believed to be in the City of Durham, but whose exact location has not been determined. When in doubt, the Durham Police Department will take the report.

Missing person complaints will be investigated through application of the same basic procedures established for other incidents. Some additional requirements may be involved depending upon the circumstances of an individual case.

Complaints of missing persons will originally be assigned to patrol officers unless compelling circumstances indicate that the Criminal Investigations Division should handle the case initially.

INITIAL RESPONSE TO ALL MISSING PERSON CALLS

The initial responding officer as part of the preliminary investigation will complete a Missing Person module of the Incident Report. The preliminary investigation shall include, at a minimum:

- Determining whether or not the missing person meets the criteria for the use of the North Carolina Amber Alert System, or Silver Alert System. If the initial responding officer determines that these criteria are met, then this officer will contact their supervisor and relay this information. If the supervisor also determines that these criteria are met, then he or she shall contact the Watch Commander, who shall make the decision as to whether or not to activate the North Carolina Amber Alert System, or Silver Alert System. If the decision is made to activate one of the above systems, then the Watch Commander will activate the system. During business hours the Watch Commander will notify the appropriate CID supervisor. After hours the Watch Commander will notify the on-call CID supervisor;

- Notifying all on-duty patrol units within the Department of the person's name, physical description, clothing description, health/general condition, point last seen and possible vehicles involved, if any, and/or other specific information that might assist in locating the person. This information will be disseminated at the earliest possible moment, via radio or computer message;

- Attempting to obtain a photograph of the missing person;

- Informing the reporting person to call the Police Department as soon as possible should the missing person return or additional information comes to their attention;

- Contacting persons developed from interviews who may possibly know the whereabouts of the individual;

- Visiting possible locations or having other units visit specified areas identified by the complainant;

- Promptly notifying their immediate supervisor when a reported missing person is a juvenile, an individual who is mentally and/or physically challenged, an elderly individual who is unable to care for themselves, an individual who is believed to be despondent or when the time of day, temperature, and/or length of time before notification of police mandates immediate action be taken.

- If a child is missing, attempt to notify the child's parents or legal guardian.

- In compliance with NCGS 143B-1015, make arrangements for the entry of data about the missing person or missing child into the national missing persons file in accordance with criteria set forth by the FBI/NCIC. Entry must occur within two hours for persons under 21 years of age once the minimum mandatory data for entry is obtained by the officer.

THE NORTH CAROLINA AMBER ALERT SYSTEM CRITERIA

Section 143B-1021 of the North Carolina General Statutes requires that, in order to activate an AMBER Alert, ALL of the following conditions must apply:

- The child is 17 years of age or younger;
- The child is believed:
  - To have been abducted, or
  - To be in danger of injury or death;
- 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;
- The child is not believed to be a runaway or voluntarily missing; and
- The abduction has been reported to and being investigated by a law enforcement agency.

In order to activate the North Carolina Amber Alert System, the missing person must be promptly reported to the Durham Police Department, and the following information about the missing person must be available:

- Name and nicknames
- Age
- Complete physical description
- Complete clothing description
- The location where the missing person was last seen, including the time, date, and direction of travel, if any.
- Any other relevant circumstances surrounding the incident, such as a suspect vehicle and direction of travel for a possible abductor.

NORTH CAROLINA AMBER ALERT SYSTEM RESPONSIBILITIES

Prior to notifying and requesting an AMBER Alert activation by the Center for Missing Persons, the initial responding officer of the originating agency will:

- Determine that the statutory criteria have been met and notify the Watch Commander;
- Obtain approval from the chief, or designee, to request activation of an AMBER Alert (NOTE: The Watch Commander and all CID Supervisors are designated by the Chief as having this authority);
- Have the DCI/Warrant Control Unit enter the case into NCIC and format an Amber Alert through DCI;
- Establish a 24-hour attended phone number (NOTE: This can be Communications, the Watch Commander's cellular telephone, or other appropriate number);
- Continue an ongoing investigation and search;
- Compile for dissemination using the AMBER Alert Entry Form (Attachment 1) the identity and description of child and abductor (photos if available), time and location of abduction and direction of travel, and other relevant data.

- Obtain a signed Amber Alert Release Form (Attachment 2) from the missing child's parent or guardian, if possible.

If a missing child report meets the Amber Alert criteria established in G.S. §143B-1021(b), as outlined above, as soon as practicable after receipt of the report, the Watch Commander will Notify the North Carolina Center for Missing Persons:

- By telephone at 1-800-522-5437 or (919) 733-3914;
- Advise them that the appropriate DOT signs for activation are in DOT Division 5;
- Transmit the completed Amber Alert Entry Form (Attachment 1) by FAX to the NC Center for Missing Persons at (919) 715-1682;
- Transmit by Internet or, absent that capability, by FAX or by personal delivery if time constraints are not prohibitive, a recent and true photographic image of the victim and, if possible, the abductor.
- Notify The National Center for Missing and Exploited Children (1-800-THE-LOST).

Upon receiving a request to activate the North Carolina Amber Alert System from the Watch Commander, the CID supervisor will ensure that the following duties are carried out, and will make the appropriate case assignment:

- Notify CID staff of the abduction and direct the appropriate CID response.
- Establish a command post, as needed.
- Ensure the Durham Police Department Public Affairs Unit has been contacted.
- Assign an investigator to field incoming information generated by the media alert.

NORTH CAROLINA SILVER ALERT SYSTEM CRITERIA

A silver alert is a system that quickly notifies the public about missing, endangered adults that suffer from dementia or other cognitive impairments. The North Carolina Center for Missing Persons is the only agency that can activate a Silver Alert and will do so if all of the following criteria are met:

- The person is believed to be suffering from dementia or other cognitive impairment.
- The person is believed to be missing – regardless of circumstance
- A legal custodian of the missing person has submitted a missing person's report to the agency where the person went missing.
- The Agency must be the ones to report the incident to the NC Center for Missing Persons.

SILVER ALERT SYSTEM RESPONSIBILITIES

After determining that the missing person fits the criteria for a Silver Alert, the Watch Commander will:

- Notify the NC Center for Missing Persons at 1-800-522-5437 or 919-733-3557.

- Send the completed Silver Alert Information Form (Attachment 3) and the Silver Alert Release of Information Form (Attachment 4) to the Center by fax (919-715-1682) or email.
- Enter the information into NCIC.
- Initiate a statewide "be on the lookout" bulletin to all law enforcement agencies.
- Provide a 24-hour phone number to receive calls while continuing the investigation.
- Call "A Child is Missing Alert" at 1-888-875-2246 to notify residents and businesses in the area if the person has walked away from a facility/program.
- Notify the National Center for Missing & Exploited Children at 1-800-843-5678, if the person is under 21.
- Notify the NC Center for Missing persons and fax the Silver Alert Deactivation form (Attachment 5) when the person is located.

RECORDS RESPONSIBILITIES

The Warrant Control/DCI Unit shall enter or remove the missing person into the National Crime Information Center's (NCIC) missing persons file following all regulations and procedures established by this system. Missing Persons are to be entered into NCIC under the following circumstances:

- A person of any age who is under a proven physical or mental disability or other cognitive impairment;
- In any situation when circumstances indicate the absence is not voluntary;
- A person of any age is missing after a catastrophe;
- A person of any age is in the company of another person under circumstances indicating his/her physical safety is in jeopardy.
- All missing juveniles shall be entered into NCIC/DCI.

The Warrant Control/DCI Unit shall send an attempt to locate message to all agencies within a fifty-mile radius of Durham, to include the North Carolina Highway Patrol (terminal XCA). The Warrant Control/DCI Unit shall then transmit a copy of this message to the North Carolina Center for Missing Persons.

SEARCH OPERATIONS

Supervisor's Responsibilities:

The supervisor will notify the Watch Commander when a missing person is a juvenile, an individual who is mentally and/or physically challenged, an elderly individual who is unable to care for himself/herself, a person who is believed to be despondent or when the time of day, temperature, and/or length of time before notification of police mandates immediate action be taken.

Watch Commander Responsibilities:

The Watch Commander will make an independent judgment as to further manpower needs, special equipment, search patterns, notification of Durham County Emergency Management, the Durham County Search and Rescue Team, an investigator to respond to the scene, and the Public Affairs Unit, etc.

The Watch Commander, unless relieved by higher authority or by his/her own decision, relinquishes command to another agency (i.e. Durham County Emergency Management or Durham County Search and Rescue Team), will be responsible for the search operation and the coordination of all personnel and agencies involved, and will determine when to terminate the operation.

FOLLOW-UP INVESTIGATION

All complaints of Missing Persons will be referred to an Investigations Unit for follow-up investigation when all attempts to locate the individual, as previously outlined, have failed or other compelling circumstances exist. District investigators will be responsible for following up on missing or runaway juveniles. If the circumstances surrounding a missing juvenile are suspicious in nature or it is determined that the juvenile is subject to a known risk of serious injury or death, follow-up responsibilities may be transferred to the Homicide Unit. The Homicide Unit is responsible for the follow-up regarding adult missing persons.

Due to the potential for harm to come to individuals classified as missing, once the case has been assigned to an investigator, he or she shall contact the reporting person as soon as practical. During the ensuing interview, the investigator will ensure that the reporting person is given telephone numbers and other contact information so that they may report additional information or receive information concerning the status of the case. The exception to this requirement would be when the investigator had been previously called to the scene.

Any subsequent contacts are to be at the investigator's discretion and are dependent upon the circumstances surrounding the individual's absence, investigative leads, and other variables unique to a particular situation.

FOUND PERSONS

If an officer or investigator locates a subject who has been reported missing the following will be done:

- Attempt to locate and contact reporting person or a responsible person (such as a relative) to whom the found person may be released;
- If the individual has been entered into NCIC/DCI, ensure the found individual is removed in accordance with regulations and procedures established by these respective systems;
- During circumstances which lead the officer or investigator to believe that releasing the person would not be in the person's best interest, the officer or investigator should return the person to his/her home, to a medical facility or contact the Department of Social Services.

In the case of a found juvenile, the responding officer will take a juvenile into protective custody and notify their immediate supervisor when any of the following circumstances are believed to exist:

- The youth is mentally incapacitated and not able to care for him/herself.
- The youth is dependent on medications or other drugs and may be in physical danger if not detained.
- The youth appears to be a victim of foul play, violence or abuse.

- The youth is in an environment “dangerous” to the youth based on the age and development of the child.

If an officer is notified that a missing person who has been entered into NCIC/DCI has been located, the following will be done:

- The responding officer will not request removal from NCIC/DCI until a law enforcement officer has made face to face contact with the missing/located person. A supplemental report will be submitted in accordance with G.O. 4028 Report Writing documenting:
    - When and where the person was originally located;
    - Location where face to face contact was made by the officer (if different from where the person was originally reported to have been located);
    - Any observations about the missing/located person’s condition; and
    - The NIC number provided by DCI.
- When face to face contact cannot be achieved, a Watch Commander or above may authorize the removal of the missing/located person from NCIC/DCI. A supplemental report will be submitted in accordance with G.O. 4028 (Report Writing) documenting the efforts made by the officer to make contact with the person.

General Order 4036, Juvenile Handling Procedures, should be complied with and utilized where applicable.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4057 R-2**

ACCESS TO POLICE RECORDS

Effective Date: 12/15/1995	Revision Dates: R-1 07/25/2003; **R-2 12/05/2003**

SECURITY OF RECORDS

The Police Records Unit and the information stored there is a sensitive area and access to this unit will be strictly regulated.

Entry into the Records Unit is limited to:

- Records Personnel
- Department members in the chain of command over the Records Unit
- Department members for necessary business, if permitted entry by Records Personnel.

Only Records Unit personnel will retrieve and replace hard copy records. Police personnel needing information should approach Records Personnel at the front counter in the Lobby or through the access window located at the rear of the Records Unit office.

Requests for records or information archived in Records are to be submitted by completing a "Request for Records" form. This information is available to Department personnel for law enforcement use only. Due to State and Federal regulations concerning the dissemination of criminal history information, several types of inquiries require a record of who receives the information and why it is needed. Some examples of valid purposes are:

- in-progress criminal investigation;
- preparation for court proceedings;
- preparation for seeking indictments or search warrants;
- criminal justice pre-employment check.

Once submitted to the Records Unit, original record documents shall not be removed from Police Headquarters for any reason.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4058 R-7**

PROPERTY & EVIDENCE

Effective Date: 12/15/1995	Revision Dates: R-1 05/20/1996; R-2 09/01/2002; R-3 05/06/2003; R-4 04/28/2004; R-5 11/22/2006; R-6 04/26/2013; **R-7 09/19/2014**

INTRODUCTION

The Durham Police Department will collect and maintain property and evidence according to state and federal regulations. All employees will follow guidelines found in this general order and the specific procedures found in the property and evidence packaging areas on how to properly submit evidence/property to the Property and Evidence Unit (PEU). All property and evidence items collected by DPD employees shall be recorded and submitted to the control of the PEU by the end of the submitting employee's tour of duty. The PEU is charged with the receipt, logging, tracking, security, and disposition of all property and evidence items for the DPD. A chain of custody is maintained by the PEU for every item collected and turned into the PEU until the final disposition of each item. In conjunction with this policy, the DPD uses the current North Carolina State Crime Laboratory Evidence Guide as a resource for the proper handling and storage of evidentiary items.

DEFINITIONS

Chain of Custody – The documented possession and control of a physical item from the time of collection to final disposal.

Evidence - Any item of property seized by an employee that could be used to establish or disprove criminal conduct.

Note: All drugs shall be categorized as Evidence.

Found Property - Any lawful (non-contraband) item of no evidentiary value that is controlled by an employee for the purpose of returning the property to its rightful owner. This includes property found by citizens.

Safekeeping – Any property without evidentiary value surrendered to a department employee for temporary custody. Examples are personal items from accident victims, unwanted weapons, and personal items not stored by the jail.

Evidence Technician (ET) – Employee accountable for controlling and maintaining all evidence/property submitted, accepted and stored in the department's property and evidence facilities.

Official Seal- The closed portion of the package containing property and/or evidence where a long strip of clear tape is placed across the fold or edge, overlapping at least two sides of the package, thus creating a seal. On this strip of clear tape, the submitting employee must write:

- Employee's initials and employee number,

- the time and date it was sealed,
- the IR number and,
- the corresponding item number.

***An official seal is required on all envelopes, boxes, and/or specialized containers submitted to the PEU. The tape will be placed over the opening once the box or container is closed. All taped openings require an official seal.

Voucher – formerly known as the Property Report. This is the electronic form completed within the Records Management system that contains all of the known information about the item being submitted to and stored by the PEU.

Package Label – color-coded, pre-printed, self-adhesive label that contains case information including case number, item number and description, offense, name of owner, and other identifying information. The label shall be completed and applied to the corresponding package by the submitting employee. The color codes are used by the PEU for storage organization. The color coded labels are identified as:

White Label – Items classified as evidence and not containing DNA for testing (ex. Clothing without body fluids, unfired bullet, documents, GSR kit)

Blue Label – Items classified as found property with no evidentiary value (ex. Keys, monies, documents, jewelry).

Green Label – Items classified as evidence and containing or suspected of containing DNA for further testing (ex. buccal swabs, blood samples, rape kits, clothing soiled with body fluids, items containing touch DNA).

Yellow Label – Items classified as non-evidence property that are temporarily held for safekeeping purposes (ex. certain weapons, purse of accident victim, lighter from arrestee)

Note: All items except those packaged in drug bags and currency envelopes require a package label.

FSD – Forensic Services Division. The PEU is a unit within this division, under the Investigative Services Bureau.

NCSCL – North Carolina State Crime Laboratory (formerly SBI Laboratory).

RESPONSIBILITY FOR SUBMISSION OF PROPERTY AND EVIDENCE

All employees are responsible for any property/evidence that comes into their custody during the performance of their official duties. All evidence and found property will be properly packaged and submitted to the Evidence Technician on duty during normal business hours, or secured in a property locker, safe, or cage after hours. Personal property that is not evidence and taken from a subject who has been arrested, and is to be incarcerated, will be identified and stored in accordance with Durham County Jail Procedures.

No employee is authorized to hold in his or her possession (or in his or her desk, office, locker, vehicle, briefcase or residence) any evidence or found property unless the exception is described in department policy (see FSD QM, FSD CSIM).

All evidence and found property will be submitted to the PEU prior to the end of the employee's work shift, except for evidence that is in the custody of the Crime Lab Unit (CLU) or Crime Scene Unit (CSU) which requires special processing that cannot be completed by the end of shift. In such cases, any employee who has custody of such an item shall follow the procedures outlined in FSD QM, FSD CSIM.

The Evidence Technician is responsible for the custody, control and accountability of all evidence and found property submitted to the PEU.

IN-CAR CAMERA RECORDINGS

All In-Car Camera (ICC) recordings shall be placed into the custody of the Digital Files Coordinator and not one of the standard property lockers. See GO 4064 for further ICC submission procedures

COLLECTING, MARKING AND PACKAGING

Members involved in the evidence and property collection process should use discretion in collecting items. Property and evidence storage space is critical; whereby, only items of sound evidentiary value should be collected. Prior to submitting physical evidence or property, the employee will:

- obtain an Incident Report (IR) number (and)
- complete a Voucher and a package label for each individual package submitted. All information on the Voucher, packaging, and label must be identical.

If evidence is submitted in reference to a traffic investigation, a separate incident number is needed for the Voucher, as the wreck report number is from a different series than other IR numbers.

The original voucher is to be submitted with all PEU submissions except when an electronic signature is recorded. Incomplete or inaccurate documentation of evidence/property submitted will be returned to the employee or his/her supervisor for immediate correction.

The member submitting the evidence/property will make appropriate notes on the voucher as to nature, condition, and exact original location of the item collected. All items capable of being packaged shall be placed in a 9 x 12 envelope, box, paper bag, drug bag, plastic bag, or supplied specialized container. Items too large or bulky to be packaged (i.e. bicycles) shall be submitted to the Evidence Technician on duty during business hours or an appropriate-sized locker or cage after hours. If no such storage space is available after hours, the on-call Evidence Technician shall be notified to handle.

Information printed on the evidence/property packaging, package label, and voucher must correspond exactly. Please verify all information before submission to the PEU.

Specific guidelines for the proper packaging and submission of items are posted at the PEU processing area on the first floor of 921 Holloway Street and listed in this general order. All packages must include an official seal.

PERISHABLE ITEMS

Perishable items such as urine samples, blood tubes, and blood/alcohol kits will be submitted directly to an Evidence Technician or placed by the submitting employee in one of the designated refrigerators located in the PEU processing area at 921 Holloway Street. Only one evidence item shall be stored in any evidence refrigerator at any given time. If there are no available evidence refrigerators, the on-call Evidence Technician shall be contacted to respond.

To store perishable items after normal business hours, the submitting employee will:

- Transport the item to the PEU processing area at 921 Holloway Street.
- Package the item in an appropriate-sized container, seal, and then place in a clear plastic envelope. Place an official seal on the envelope then complete and apply the correct package label, and complete the voucher.
- Choose an empty refrigerator, place the perishable item inside and lock the refrigerator door.
- Place the Voucher in the designated report box that is located on top of the property/evidence safe; and,
- Place the refrigerator key in the key Drop Box Locker #33.
- Complete the evidence/property log.

Sexual Assault Evidence – Rape Kits

The Sexual Assault Evidence Collection Kit (NCSBI-200) is a white box with contents and shall be sealed and signed by the SANE or exam physician when the item is collected at the medical facility. The chain of custody on the box top shall also be completed when receiving the kit from the medical facility. The victim name, DPD IR# and DPD Item number shall be written on the box top before submission to the PEU (except in cases of a blind report). The submitting employee shall affix clear tape over the medical examiner's seal and complete an official seal prior to submission to the PEU. This kit box shall be submitted with its own item number. This box shall be turned over to an Evidence Technician directly or placed in a locker. *The kit box does NOT go into a refrigerator.*

A medium-sized manila envelope is attached to the box bottom. Inside of this envelope should be four small envelopes of hair and DNA evidence from the exam, possibly inside a plastic envelope. Either the plastic or manila envelope should be sealed and signed by the SANE/Physician. After collection from the hospital, this envelope with contents shall be removed from the kit box bottom and placed in a DPD 9x12 envelope; sealed, and submitted as a separate item to the PEU.

If a urine container and/or blood tube have been collected from the victim, the SANE/Physician should turn these items over to law enforcement in a clear plastic bag. These items shall be placed in a pilfer can or equivalent for submission to the PEU as a separate item. The two may be packaged in the same container and listed as one item. *These items are the only two pieces of evidence which must be refrigerated until sent to the NCSCL.*

Any clothing not included in the sexual assault kit box should be placed in paper bags and sealed by the SANE/Physician. DPD employees shall then place these bags into the properly-sized PEU bags or envelopes, seal, label, and turn into the PEU as separate items. If either of these items are wet, contact CSU personnel for assistance (see page 9 of this G.O. for further).

The pink copies of the exam paperwork should be turned over directly from the SANE/Physician to law enforcement or the facility may use their own envelope and attach it to the kit box for transport purposes. The pink copies shall be turned over to the lead CID Investigator. If the lead is unknown at the time of submission to the PEU, the employee shall submit the paperwork to the PEU as a separate evidence item (DO NOT submit the paperwork attached to the kit box or package it with other evidence).

Foodstuffs

There are no facilities available in the PEU for the storage of perishable foodstuffs (consumable goods such as meats, baked goods, vegetables, crackers, etc.). If ownership is known, upon direction of the District Attorney's Office, perishable items shall be photographed and released to the owner. If ownership is unknown, a court order shall be sought authorizing the disposal of the items to a charitable organization. Upon receiving the items, a representative from the organization shall sign the PEU chain of custody. The disposition of perishable items shall be documented by the responsible employee within the incident report.

NON-PERISHABLE ITEMS

After normal business hours, for non-perishable items that require a locker, the submitting employee will:

- Transport the item to the PEU processing area at 921 Holloway Street.
- Select the appropriate-sized, available locker. Employees shall use the smallest locker available that will accommodate the item(s) they are submitting;
- Package the item, complete and apply the correct package label, and complete the voucher (ensure the locker number is placed on the voucher and the package label);
- Place the item and voucher inside the locker. Close and lock the door.
- Place locker key in Drop Box Locker #33;
- Sign the property/evidence log

PROPERTY/EVIDENCE SAFE

The Property/Evidence Safe is located in the PEU processing area at 921 Holloway Street. The safe will be used to temporarily store small, single items such as currency, checks, and any other item that may be properly packaged in a 9 x 12 envelope or drugs submitted in a properly packaged drug bag. To submit items into the safe, the employee will follow the same protocol stated in the non-perishable locker section, except:

- The submitting employee shall write "SAFE" as the locker number on the package, voucher and package label. A copy of the Voucher shall be placed in the tray that is located on top of the property/evidence safe.
- At the safe, open the flap door and place item into the safe. Close the flap door and make sure the item has fallen into the safe by opening the flap again.

Bulky or fragile items should not be placed in the safe. No items will be forced into the safe. If an item becomes lodged in the safe opening, an Evidence Technician shall be notified immediately.

PROPERTY/EVIDENCE CAGES

Items that are too large to be stored in the lockers or the safe shall be placed in a numbered cage in the PEU processing area at 921 Holloway Street. To store items temporarily in a cage, the employee will follow the same protocol for the locker and safe submissions except:

- The submitting employee shall write the cage number as the locker number on the package, voucher, and package label

- A copy of the voucher shall be placed in the tray atop the property/evidence safe.
- No drugs, guns or monies are to be stored in the cages.

If an item is too large for the cages and it is after normal business hours, on-call PEU personnel shall be contacted and arrangements made for proper storage. Authorization for the call-back of the on-call personnel must be obtained from an FSD supervisor or Watch Commander.

CHEMICALS, FLAMMABLES AND EXPLOSIVES

Under no circumstances will any container housing volatile or explosive materials be submitted without clearance from a member of BCERT. During normal business hours, the BCERT Investigator shall be contacted. After normal hours, the on-call BCERT officer shall be contacted via the Watch Commander. Once cleared for storage, an ET shall be contacted to respond with the submitting employee, and small items will be placed in the PEU flammable cabinet at the rear entrance of police headquarters. See General Order 4041 BCERT-WMD for additional information pertaining to policies regarding the short term storage of chemicals, flammables and explosives.

Liquid and powder items deemed evidence must be submitted in sample-sized glass containers. The original container shall be processed for evidence, cleaned, and submitted separately from the chemical or flammable material.

Before submitting items containing known flammable liquids such as gasoline or motor oil (lawnmowers, chainsaw, etc.), the item shall be taken by the submitting employee to City Fleet to be emptied of all flammable liquids. The Fleet Supervisor on-duty will ensure the item and materials are handled and the flammable liquids are disposed of properly. Officers will ensure that empty items and containers submitted PEU. After City Fleet business hours, CSU personnel shall be contacted to coordinate storing of the item at the DPD lot at 213 Broadway Street. During normal business hours employees shall contact PEU personnel to coordinate the submission of flammable items.

After PEU business hours the submitting employee will:

- Affix the proper label to the item(s).
- Complete the property/evidence log at 921 Holloway Street, noting the item is stored at Broadway.
- Complete the Voucher and place in the tray on top of the property/evidence safe located in the PEU processing area.
- Transport the item to 213 Broadway for storage.

ARSON/FIRE SCENE EVIDENCE

Evidence collected from fire scenes and scenes of suspected arson that may contain accelerants shall be placed in specially designed arson cans, glass jars, or nylon bags to preserve possible accelerants. Labels are placed directly on the items and the cans and jars are not placed into plastic bags.

FIREARMS & BALLISTICS EVIDENCE

All firearms will be carefully inspected and unloaded prior to submitting them to the PEU. During this process, the recovering employee shall handle the firearms and ammunition with clean gloves and on surfaces that do not normally yield fingerprints (checkered grips, edges of the trigger guard, or any rough surface). The slide or

the cylinder of the weapon must be secured in the open position with a gun tie provided at the evidence packaging area (DO NOT PLACE THE GUN TIE INSIDE OF THE BARREL OF THE FIREARM). All firearms will be packaged in provided envelopes. On firearms that are loaded by magazine, carefully remove the magazine, but leave any live ammunition in the magazine. Use precautions to preserve latent and DNA evidence. The loaded magazine shall be placed inside a 9 x12 brown paper envelope. Live ammunition that is not contained inside a magazine shall be placed inside the same envelope. Long guns will be packaged in the same manner using the long plastic tubing at the evidence packaging area. All fired ammunition shall be packaged separately from the live ammunition, in a 9x12 paper envelope and handled appropriately to preserve latent and DNA evidence. Additional items (holsters, belts, etc.) shall be packaged separately.

All seized firearms must have an ATF Tracing Center Trace Request Form and completed GRIP package submitted with it.

Firearms Terminology

- Cartridge - A unit of ammunition, made up of a cartridge case, primer, powder, and bullet. Also called a "round", or “load.”

- Cartridge case - Commonly known as “shell casing.” This is the container for all the other components that comprise a cartridge.

- Bullet - A non-spherical projectile for use in a rifled barrel.

- Projectile – An object propelled by the force of gases produced by rapidly burning gunpowder. An “expended round.”

- Fragment – any piece or particle of a cartridge.

During normal working hours, if an employee is unable to unload a weapon to render it safe for submission, the employee shall contact the department Armorer or Firearms Examiner for assistance. If after hours, a warning tag shall be placed on the locker advising of a loaded weapon. These tags are available in the PEU packaging area. If a loaded weapon is submitted and emptied by the Armorer or Firearms Examiner, the submitting employee must return to the PEU to submit the recovered ammunition as a separate item.

Weapons submitted to the PEU are subject to forensic testing, required function tests, and Integrated Ballistics Identification System (IBIS) testing, either by the FSD or NCSCL. The following is a list of items that are suitable for IBIS entry:

- All handgun calibers with the exception of .22 rimfire

- Rifles with the following calibers:

  - .223 Remington

  - 7.62X39mm (SKS/AK type rifles)

  - .30 Carbine

Items that are not currently suitable for IBIS entry include:

- .22 caliber rimfire, including rifles
- Shotguns and shot shells

Items being submitted for IBIS testing must be packaged separately from items that will not be analyzed by the FSD or the NCSCL. A NCSCL request form shall be submitted with all items suitable for IBIS testing.

Note: All firearms deemed legally eligible to be returned to their rightful owner will have ownership verified by the PEU using criminal background checks and ownership paperwork submitted by the lawful owner prior to a firearm being released.

KNIVES

Pocketknives and knives with cases that can be made safe are to be packaged in the appropriate sized brown envelope with an official seal. All other knives are to be made safe by wrapping a brown paper bag or cardboard sheath around the knife and taping it securely, or by utilizing a suitable sized box or plastic Sharps container. Precautions should be used to preserve latent and DNA evidence when necessary. Do not leave an exposed blade in a property/evidence locker.

PHOTO ARRAYS

Photo Arrays shall be placed in a properly-sized envelope with a package label attached. No other property or evidence will be placed in the envelope with the array.

CURRENCY

Currency will be counted by the submitting employee and a supervisor. The currency shall be placed in a special currency 9” x 12” white envelope, separate from any other property or evidence, and must be officially sealed. The form pre-printed on the currency envelope must be properly completed (no package label). A supervisor must verify the amount of currency, initial the official seal, and complete the verification on the bottom front of the money envelope prior to submission to PEU. On the corresponding Voucher, the dollar amount submitted shall be entered in the “value” box as well as in the text box description field.

PEU will only open and verify the currency amount when the currency is being counted for bank deposit. The currency envelope will be destroyed after the bank deposit.

Checks, Financial Records, And Other Legal Documents

Checks, financial records, and other assorted legal documents shall be placed in a 9 x 12 manila envelope and listed as “documents” on the Voucher (not currency). An affidavit of forgery is to be included, when applicable. A package label listing the entire contents of the envelope shall be completed and attached to the officially sealed envelope.

Counterfeit Currency

All counterfeit currency shall be packaged in a manila 9x12 envelope with an official seal. Counterfeit currency is of no monetary value and does not belong in a white currency envelope. A supervisor must be notified of the counterfeit currency and sign the official seal before submission to the PEU.

LICENSE PLATES

License plates from any state collected as found property or as evidence shall be packaged and submitted to the PEU in an 8x10 envelope with an official seal and label. In addition, the submitting officer needs to complete the License Plate Log at the PEU Packaging area. The following information shall be recorded for each license plate submitted to the PEU:

- License plate number and/or letters;
- State of Issuance;
- Owner's Information (if known);
- Date of Submission;
- Submitters Initials and Employee Number.

License plates held as evidence or found property shall be returned to the rightful owner unless subject to lawful detention or ordered disposed of by the court. The PEU will transport eligible plates to the NCDMV.

Employees submitting license plates which may be claimed by the registrant shall make a determined effort to locate the rightful owner. An Owner Notification Letter shall be sent by the Case Officer to the owner of the license plate eligible for release. The officer shall notify the PEU when there is a plan to release the item to the owner.

License plates/licenses seized for suspension or revocation per N.C.G.S. 20-45 shall have the appropriate NCDMV suspension/revocation notice (Form DL-53A) attached and shall be submitted to DPD Headquarters desk officer for return to the NCDMV within 48 hours of the tag seizure.

Officers will complete a DL-53A form for each NC plate seized. The yellow copy will be taped to the back of the tag allowing both the tag and the form to be read. The white copy of the DL-53A will be turned into DCI with the completed tag seizure form.

The PEU does not accept these items unless they are evidence in a criminal proceeding.

TRACKING DEVICES

Dye packs, electronic tracking devices, and the like, are sometimes used at banking institutions and collected during robbery investigations. Employees who are trained shall disable the devices before collection or submission to the PEU. The items shall be packaged in such a way as to prevent the device from being activated while in the PEU storage. The packaging depends on the device. PEU personnel shall assist when necessary.

NARCOTICS AND CONTROLLED SUBSTANCES

Only sworn officers will seize and submit drug evidence to the PEU. Crime Scene Investigators should refer to the Crime Scene Investigation Manual for processing drug evidence once submitted to the PEU.

Narcotics and other controlled substances, with the exception of marijuana plants (see Suspected marijuana plants, leaves, stems, and/or seeds), will be counted and weighed by the submitting officer and a supervisor. The controlled substances must first be weighed with designated DPD scales and placed in a clear plastic bag and officially sealed. Controlled substances are to be packaged separately in designated drug bags containing a bar code. The pre-printed form on the top of the bag shall be completed (no package label affixed). Controlled

substances seized from different persons or locations shall be placed in separate drug bags. Only DPD-issued scales shall be used to weigh narcotics evidence.

If DNA or Latent processing of drug packaging is requested, the submitting officer must separate the original packaging from the drug evidence prior to submission to the PEU. The original packaging evidence shall be placed in a 9x12 paper envelope and the proper label affixed. The FSD request form (Attachment 1) shall be completed and submitted to the FSD Supervisor.

The clear plastic bag will be placed inside of a drug bag. Two (2) different sized bags are available; 5” x 8” and 8½” x 10½”. Drug bags are only to be used to package narcotics. Up to three (3) items can be placed in the large drug bags.

The information side of the drug bag must be filled out completely, to include:

- the DPD IR number,
- suspect/owner name,
- location recovered,
- seizing officer,
- date and time of offense,
- date and time the officer sealed the evidence,
- weight,
- chain of custody information (if PEU is not the first location transfer),
- a thorough description of the items within the package, and;
- the corresponding Voucher item number.

The drug bag must be closed, the attached tamper proof seal affixed, and an official seal put in place. A supervisor must initial the official seal of the drug bag. (Note: This is to be completed each time the drug bag is opened and sealed).

The seal of the drug bag shall be inspected for tampering when being accepted or released by any member of the Department. In the case of any suspected tampering, the PEU shall be immediately notified.

The Voucher and the drug bag must correspond exactly. The number that is pre-printed on the drug bag shall be entered on the Voucher in the serial number box, and the NCSCL request form.

In the event that the item will be analyzed further, a NCSCL request form shall be completed by the submitting officer for all controlled substance submissions.

Suspected marijuana plants, leaves, stems, and/or seeds

Due to the nature of the residual moisture, fresh cut marijuana plants, leaves, stems, and/or seeds will be packaged in an appropriate sized manila envelope, paper bag or brown box available in the PEU packaging area. A plastic drug bag shall be attached to the exterior of the packaging. All other procedures will remain the same for submitting the plant evidence.

In all instances of excessively large amounts of a controlled substance, PEU personnel shall be notified to help package and secure these items immediately; i.e. marijuana bales or plants, which cannot be placed in an evidence locker. Drugs are not to be stored in any PEU cages.

VEHICLES

The PEU does not accept vehicles other than bicycles, mopeds, or go-carts. Motor scooters, dirt bikes, motorcycles, and all-terrain vehicles are classified as motor vehicles and need to be towed and stored according to the DPD Towing General Order 4044.

Note: All bicycles submitted as non-evidence will be held for 60 days and then disposed of according to the law.

BIOHAZARDOUS EVIDENCE OR MATERIALS

NOTE: Under no circumstances will any improperly packaged contaminated materials or evidence be taken into Headquarters or other DPD buildings.

Anyone collecting contaminated evidence or materials for submission to the PEU are required to follow those guidelines stated in General Order 4049, "Communicable Diseases," as well as the following:

Note: Bio-Hazardous material is defined as bodily fluids in this General Order.

Dry Contaminated Evidence or Material(s):

Dry contaminated materials collected at crimes scenes will be placed in a paper envelope, paper bag or box with the packages clearly marked "BIO-HAZARD" using the provided BIO-HAZARD stickers.

For evidence that contains DNA to be preserved for testing, a green property label shall be completed and affixed to the package. If no DNA is to be preserved, affix the proper label to the exterior of the package.

Turn packaged items into the PEU. Include NCSCL request form, if necessary. If the PEU is closed, place items in a properly sized property locker or cage and tag the locker or cage as containing a "BIO-HAZARD."

Wet Contaminated Evidence or Material(s):

Collect and package wet contaminated evidence or material(s) in a leak-resistant package and clearly mark the package "BIO-HAZARD" using the provided BIO-HAZARD stickers.

During CSU working hours, transport the wet contaminated item(s) to the DPD Crime Lab at 516 Rigsbee Avenue and request an on-duty Crime Scene Investigator (CSI) for assistance with processing. Once dried, the collecting employee is responsible for submitting the items to the PEU.

The employee is responsible for following established procedures:

- Secure the wet item(s) in a sterile Bio-Hazard Cabinet(s) to dry,
- Complete the cabinet chain of custody,
- Monitor the drying process,
- Upon completion of the drying process, follow the directions for dry material previously stated.

During any CSU stand-by hours, officers shall contact the Watch Commander for authorization to have the on-call CSI meet the officer at the DPD Crime Lab at 516 Rigsbee Avenue.

NOTE: All contaminated materials or evidence will be properly processed and secured prior to the end of the submitting employee's work-shift. There are no exceptions to this requirement.

ELECTRONIC/DIGITAL EVIDENCE OR ITEMS

Computers, laptops, cell phones, iPads, thumb drives and other similar devices shall be handled with care and packaged to preserve and protect the item from damage.

Assistance with the proper collection and handling of digital devices shall be directed to the Forensic Services Division's Digital Forensics Section.

All mobile devices shall be placed into "Airplane Mode" or powered off by using the device power button and/or removing the battery.

Chargers and other accessories (monitors, keyboards, etc.) that do not store data typically do not need to be collected. All parts of the same device shall be packaged together and labeled accordingly.

Items small enough shall be placed in a 9 x12 envelope, affixed with an official seal and label, and placed in a locker or handed directly to an Evidence Technician. Do not drop digital evidence into the safe as the item could be damaged.

If no latent or DNA processing is necessary, the make, model and serial number shall be recorded prior to packaging and entered on the Property Report. CPU's and other large hardware shall be wrapped in paper or plastic, sealed, and the proper label attached.

Fragile devices that require additional protective insulation may be wrapped in paper, plastic or foam padding and placed in a properly sized envelope, box or wrapping.

Devices requiring DNA processing shall be wrapped in paper. An FSD request form with the proper legal authorization shall be submitted to the FSD for additional processing/examination of electronic items.

MISCELLANEOUS ITEMS

If there is no evidentiary value or menu description for an item(s) being submitted to the PEU, the label of "miscellaneous item" can be used. A description of the items shall be written on the item packaging and also typed in the voucher notes. For disposition purposes it is important for the PEU to know what exactly is inside all packages.

LABORATORY ANALYSIS REQUIRED

Special care should be taken to avoid contamination of any evidence requiring laboratory analysis. This evidence must be placed in separate packages, and separate property labels filled out and affixed on each package. When collected evidence requires further laboratory examination, the lead investigator or officer, regardless of the assigned division, is responsible for making the request by completing the appropriate FSD request form or NCSCL request form. All request forms must be properly completed with all pertinent information known to the submitting officer to ensure proper processing. A summary of the incident must be included. The Evidence Technician, upon receipt of the lab request, will log and prepare the evidence for transport to the NCSCL. FSD requests for latent, DNA, digital or firearms examinations shall be immediately submitted to the DPD FSD by the requesting officer. The PEU makes trips on a regular basis to the NCSCL and

will submit and retrieve items for the DPD. Officers with court cases that require evidence be submitted to facilities outside of the Department should coordinate with the District Attorney's office and allow enough time for the analysis and return of the evidence.

All evidence requiring in-house forensic processing must have a Forensic Services Division Request for Service Form (FSD-9) submitted to the FSD by the lead investigator or officer.

FOUND PROPERTY

Found property will be handled with the same care and procedures as evidence.

A receipt will be filled out by the employee assuming custody of any found property. A copy of the receipt will be given to the person from whom the property was received. The submitting employee retains the original copy. If such property is lost or damaged due to an employee's negligence, that employee may be subject **TO DISCIPLINARY ACTION OR MAY BE REQUIRED TO MAKE RESTITUTION FOR THE PROPERTY.**

REMOVAL OF ITEMS FROM THE PEU

Evidence/property may be removed from the PEU by authorized personnel for the following reasons:

- Court
- Evidence Review
- Evidence analysis or processing
- Official copies/research
- Lab Submission
- Final Disposition

When employees remove evidence or property from the PEU, they must sign the appropriate receipt form for chain of custody. The employee removing the evidence or property shall return all items to the PEU on the same working day or provide notice to the PEU if additional time is necessary. Note that the chain of custody of items signed out from the PEU is the responsibility of the employee who removed the items. The chain of custody must be documented on the item packaging and/or using a department approved form such as FSD-CSIF18 Chain of Custody.

In the event it is necessary to leave evidence with the court, the employee removing the evidence will have the Property Receipt from an official of the court and return the white copy to the PEU within 48 hours.

Packages of evidence returned from the laboratory facilities outside of the Department (FBI, NCSCL, etc.) are sealed and should not be opened by anyone unless directed by the court.

EVIDENCE REVIEWS

An investigator, district attorney, or defense attorney may request an evidence review at any time. The reviews will be held in the PEU viewing room at 921 Holloway Street. A defense attorney must provide the appropriate documentation showing their legal representation in the case, as well as any court orders pertaining to discovery. Evidence reviews are scheduled through the CSU, lead officer, and the PEU. Evidence should only be handled by authorized DPD personnel and may be viewed and recorded by defense personnel under the

supervision of DPD personnel. Discovery documents from the DPD should only be submitted to the defense via the District Attorney's office. The PEU shall receive a minimum of 48 hours' notice to have the evidence ready for pickup or viewing.

DEFENSE LAB TESTING

In the event that the defense is granted an order for independent testing of DPD evidence items, the defense shall make arrangements with the DPD PEU to transport the items to and from the chosen lab via personal ground transportation or FedEx shipping.

EVIDENCE AND PROPERTY DISPOSITION

Disposition of all property and evidence will be in accordance with state statutes and orders of the court issued pursuant to these statutes. The Police Evidence Supervisor is responsible for the timely and legal disposition of all property and evidence in the custody of the PEU in accordance with law (N.C.G.S. Article 2 Chapter 15). The supervisor of the Property and Evidence Unit shall contact the police attorney for assistance with drafting any necessary court motions and orders.

The Property and Evidence unit is responsible for retaining copies of court orders directing the disposition of property for a minimum of 20 years.

Officers' Disposition Responsibility

All officers have the responsibility of obtaining legal authorization for disposal of the evidence submitted in their cases. In arrest cases, officers are responsible for requesting court disposition of evidence items that are involved in their court proceedings. A Court Order takes precedence over any other authorization.

Storage space is critical; evidence and property shall be released as soon as legally possible. Officers shall work closely with the District Attorney's Office to determine the earliest date of disposition in their cases.

Officers who have state charges dismissed because of pending or active federal charges shall notify the PEU, in writing, to ensure that the evidence status is updated and the items are maintained as long as the court deems necessary.

Online Public Auction

For items legally eligible for public auction, a notice will be printed in the newspaper at least 30 days in advance of the online auction. Any proceeds from the auction, after all expenses are paid, are turned over to the Durham County School Board.

Donations

All items legally eligible to be donated by the DPD PEU will go to locally qualified charitable organizations.

Return to Owner

All citizens with the legal authority to pick up their property/evidence must schedule an appointment with the PEU after securing the proper paperwork (i.e. court order, ownership papers) to have their item(s) returned. All citizens requesting return of property and evidence must report to the PEU at 921 Holloway Street with a photo ID and paperwork at their scheduled date and time.

Conversions

No property seized by law enforcement, found, or received as found by the Department shall be converted for personal ownership or use by any member of the department.

Some items received into the PEU may be eligible for conversion to law enforcement use. Any member of the department seeking to have eligible property converted to official use by the Department shall make a written request to his or her Division Commander. The request must specifically describe the property sought and the official use to which the property will be used. The Division Commander shall obtain written approval of the request from his or her Assistant Chief. The Division Commander will provide written approval to the Police Evidence Supervisor. The police attorney will assist in drafting any necessary court motions and orders. The PEU will not release the property to the requesting member until the appropriate order has been obtained.

Upon appropriate approval, the item(s) and responsibility will then transfer to the inventory for the unit assigned the item. Under no circumstances will property received under the conversion process be used in a manner that is not consistent with official use.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	NUMBER: **4059**

PROPERTY & EVIDENCE STORAGE AREA INSPECTIONS - RESCINDED

Effective Date: 12/15/1995	Revision Dates: R-1 01/10/2005; Rescinded 02/09/2010

On February 9, 2010 this general order was rescinded. Its contents were incorporated into the Property Standard Operating Procedures manual.

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4060 R-4**

MEDIA RELATIONS

Effective Date: 12/15/1995	Revision Dates: R-1 05/15/1996; R-2 01/15/2001; R-3 11/22/2006; **R-4 10/12/2015**

INTRODUCTION

It is the purpose of this policy to establish guidelines for the release and dissemination of public information to print and broadcast news media. It is recognized that many members of the Department engage in a variety of communications other than news media contacts (i.e. special programming, public presentations, administrative meetings, etc.) and this order is not intended to limit these communications.

Although it is the Department's intention to release information to the news media in a timely manner, the safety of the public, the protection of witnesses and victims, and the proper conduct of criminal investigations shall initially be the department's primary concern. This order specifically governs communications with members of the news media.

DEFINITIONS

News Media Representatives: Individuals who are directly employed by agencies of the electronic or print media such as radio, television and newspapers. This specifically includes student-run or non-profit news media organizations. Freelance workers in this field, including bloggers, are to be regarded as other members of the general public. Questions of validity of credentials are to be resolved through the Public Affairs Unit.

Public Affairs Unit: The Department's Public Affairs Unit (PAU) is assigned to the Executive Office of the Chief and serves as a central source for coordinating the release of information to the news media and the community. The Public Affairs Unit is the primary point of contact for responding to requests from the media and assisting department personnel with the dissemination of information. Staff members consist of the Public Affairs Manager, Public Affairs Specialists, the CrimeStoppers Coordinator, and the Chief's Executive Officer.

PUBLIC AFFAIRS NOTIFICATION REQUIREMENTS

Bureau, District and Division Commanders are responsible for ensuring that the PAU is notified in a timely manner of the initial occurrence of and subsequent development in all incidents and activities that have potential media interest. This includes but is not limited to:

- assaults with significant injury or death;
- sexual offenses;
- hate crimes;
- bomb threats;

- significant fires or explosions;
- homicides;
- kidnappings;
- suicides;
- unnatural deaths;
- shootings;
- robberies;
- barricaded subjects;
- research animal incidents;
- arrests of any city employees;
- charges of serious misconduct on the part of Department members; or
- any incidents involving persons who, by their position in society, are of interest to the public.

This would also include requests by the news media for feature or personal interest stories. Employees contacted directly by the media shall notify the Public Affairs Manager (or designee) and their immediate supervisor as soon as possible of any interview requests.

GENERAL RELEASE OF INFORMATION

The Public Affairs Manager will be the Department's primary source of information to the news media. This individual will be responsible for coordinating all routine press briefings and bulletins, and for initiating news media contacts. This individual will also authorize and arrange other members of the Department to be interviewed by the media, to comment on programs or initiatives of special interest, or to participate in media-related events. The Public Affairs Unit will be responsible for all postings on the department webpage.

The Public Affairs Manager will have a schedule of Monday through Friday from 0800-1630 hours. After these hours, during weekends, and any time the Public Affairs Manager is unavailable, the point of contact will be the on-duty Watch Commander.

Command officers have the authority and responsibility to respond directly to inquiries from representatives of the news media concerning information relating to their respective commands within the guidelines of this policy. Command officers who will not be available to handle anticipated inquiries regarding major crimes or accidents and unusual events occurring within the purview of their command should provide the Public Affairs Unit with adequate information to respond to media requests.

Supervisory members of the Uniform Patrol and Investigations Divisions should respond to media inquiries and provide all reasonable assistance in accordance with this order. However, these individuals do not have authority to initiate media contacts, issue press bulletins or conduct pre-arranged news conferences without having first received authorization from the Public Affairs Unit or higher authority.

Any District, Division or Bureau Commander is authorized to initiate immediate contact with the news media if they deem such contact necessary in the interest of public safety. In these circumstances, notification shall be made to the Public Affairs Unit at the earliest opportunity.

A District, Division or Bureau Commander asked for information beyond his/her range of knowledge or who doubts the accuracy of his/her information should say so and refer the media representative to the correct

source. Where the Commander is unsure of the facts or the propriety of releasing information, he/she shall refer the inquiry to the Public Affairs Unit.

All conversations with members of the media should be considered “on the record” and subject to being quoted.

SCENES OF CRIMES, INCIDENTS, OR OPERATIONS

The Incident Commander of the scene of a crime or incident is responsible for coordinating the release of accurate, factual information, within the guidelines of this policy, to representatives of the news media. If investigators from the Criminal Investigations Division are responding to the scene, they will first confer with the Incident Commander to determine what information should be released and by whom. The Incident Commander may delay providing information to media representatives when an emergency exists, but they should be told why the delay is necessary and be provided with appropriate information once the emergency is over. At the scenes of major incidents involving substantial media attention, the Public Affairs Manager will respond to the incident scene and under the direction of the Incident Commander coordinate relations with attending news media. All on-scene media inquiries shall be referred to the Public Affairs Manager. In addition, members of outside law enforcement agencies and the Durham Fire Department operating at the request of this Department should likewise be instructed by the Incident Commander to refer media inquiries to the Department’s Public Affairs Manager.

Agency personnel should be courteous and professional to news media representatives. Agency personnel should abide by the following guidelines:

- At such scenes, agency personnel shall ensure that the media respect the established perimeter. Members of the media have no greater or lesser access to an incident scene than members of the general public.
- The Public Affairs Manager, with the approval of the Incident Commander, may grant closer access to news personnel and their equipment, to the degree that it does not interfere with law enforcement operations.
- No member of this agency shall prohibit the media from news gathering practices, including photography and interviews, outside the established perimeter. No employee will willfully delay, hamper, or interfere with any person who is lawfully gathering information or reporting an event, subject to the conditions of this directive.
- Information at crime/critical incident scenes will be released by the Public Affairs Manager or Incident Commander.
- At critical incident scenes, a member of the PAU or Incident Commander will establish a media briefing area as close to the scene as safety and operational requirements allow.
- At critical incident scenes, members of the agency will work in close cooperation with the media to ensure that live broadcasts do not disclose any information that could endanger law enforcement personnel or the general public.

RELEASE OF INFORMATION INVOLVING JUVENILES

The name, address, or telephone number of any juvenile shall not be released when:

- The juvenile (under 16) is suspected or accused of being delinquent or undisciplined, including traffic offenses;
- The juvenile (under 18) is the victim of a criminal offense or complaining witness and it is determined by the investigating officer that release would likely pose a threat to the mental health or personal safety

of the complaining witness or materially compromise the continuing or future criminal investigation or criminal intelligence operation. The investigating officer shall note on appropriate reports that such name and address is to be temporarily withheld from public disclosure and shall also notify the Public Affairs Unit to withhold disclosure;

- The juvenile (under 18) is the victim of neglect, dependency, or child abuse;
- The juvenile is a witness to an incident, except in the case of a traffic collisions as described below.

If a juvenile is a driver or passenger involved in a reportable traffic collision, his/her name, address, etc., can be included as part of the traffic collision report. However, the name and address of a juvenile passenger on a school bus involved in a collision shall not be publicly disclosed. If the juvenile is charged with a traffic offense, this information will not be included in the arrest portion of the traffic collision report. Rather, the arrest information will be included on a separate supplementary investigative report.

RELEASE OF INFORMATION IN PENDING CRIMINAL CASES INVOLVING ADULTS

Non-Releasable Information:

Information which shall not be released in connection with pending investigations of an event or crime, unless required by law or authorized by the Chief of Police or his/her designee includes:

- The identity of a suspect prior to arrest unless such information would aid in apprehending the suspect or serve to warn the public of potential danger;
- The names and addresses of sex crime and other victims where release is reasonably likely to pose a threat to the mental or physical health, or personal safety of the victim, or is reasonably likely to compromise an investigation, shall be temporarily withheld;
- The name and address of complaining witnesses if such disclosure is reasonably likely to pose a threat to the mental or physical health, or personal safety of the complaining witness, or is reasonably likely to compromise an investigation to any significant degree shall be temporarily withheld;
- The identity of any critically injured or deceased person prior to notification of next of kin unless reasonable efforts to notify next of kin have failed;
- The results of any investigative procedure such as lineups, polygraph tests, fingerprint comparison, ballistics test or other procedures. The fact that these tests have been performed may be revealed without further comment;
- Information which, if prematurely released, may interfere with the investigation or apprehension such as the motive of the crime, nature of leads, specifics of an “MO,” details of the crime known only to the perpetrator and the police or information that may cause the suspect to flee or more effectively avoid apprehension;
- Information that may be of evidentiary value in criminal proceedings;
- Records of criminal investigations or records of criminal intelligence information unless the lead investigator or supervising officer in his/her chain of command deems it permissible;
- Specific cause of death unless officially determined by the medical examiner;
- Contents of suicide notes;
- Personal opinions not founded in fact; conjectures, false or misleading information;

- The home address and/or telephone number of any member of the Department;
- Grand jury testimony and proceedings;
- Any other information that could jeopardize the successful conclusion of an investigation and prosecution, or reveal the identity of confidential or undisclosed sources or investigative techniques;
- Any other information prohibited by state law from being publicly disclosed.

Releasable Information:

Information that may be released in connection with pending investigations includes:

- The type or nature of an event or crime;
- The location, date and time, injuries sustained, damages and a general description of how the incident occurred;
- Type and quantity of property taken, with the exception of disclosing the amount of money taken from commercial establishments;
- The name, sex, age and address of a victim or complaining witness. NOTE: The names and addresses of sex crime and other victims or complaining witnesses shall be temporarily withheld if disclosure is reasonably likely to pose a threat to the mental or physical health, or personal safety, of the victim or complaining witness, or is reasonably likely to compromise to a significant degree a criminal investigation;
- Requests for aid in locating evidence, a complainant or a suspect;
- Numbers of officers or people involved in an event or investigation, and the length of the investigation;
- Name of the officer in charge of a case, his/her supervisor and division or unit assignment. The name of any undercover officer will not be released.

RELEASE OF ARREST INFORMATION INVOLVING ADULTS

Non-Releasable Information:

Following an arrest and formal charging of a suspect, but prior to adjudication, certain types of information may create dangers of prejudice, without serving a significant law enforcement or public interest. Such information must be restricted to ensure constitutional guarantees of a fair and impartial trial. The following information shall not be released unless required by law or authorized by the Chief of Police or his/her designee:

- Prior criminal conviction record, character or reputation of a defendant;
- Existence or contents of any confession, admission or statement of a defendant or his/her failure or unwillingness to make a statement;
- Performance or results of any test, or a defendant’s refusal or failure to submit to tests such as a polygraph;
- Identity, statement or expected testimony of any witness;
- Any opinion about the guilt or innocence of a defendant or the merits of the case;
- Any opinion or knowledge of the potential for a plea bargain or other pretrial action.

Releasable Arrest Information:

Following an arrest, criminal charge or indictment, the following information may be released:

- The accused's name, alias, sex, age, residence, occupation, physical description, last known whereabouts, and warnings as to the subject's potential threat level to the general public;
- The date, time, and place of arrest, whether pursuit or resistance was encountered, whether weapons were used, charges placed against the suspect and description of contraband seized;
- The identity of the arresting officers and the duration of the investigation unless the officers are engaged in undercover operations;
- The amount of bond, scheduled court dates and place of the suspect's detention.

RELEASE OF PHOTOGRAPHS & COMPOSITE DRAWINGS

Photographs, mug shots, or composite drawings may be released to the news media when authorized by the affected Unit Supervisor, Division or District Commander or higher authority when the assistance of the general public is deemed appropriate to locate a subject in connection with an active investigation. The Public Affairs Unit shall coordinate the release of such photographs to the news media.

Photographs, mug shots or composites of juveniles SHALL NOT be released, with the exception of those juveniles reported as runaways or missing.

INFORMATION TO BE RELEASED BY THE CHIEF OF POLICE

The following types of information will only be released to the news media by the Office of Chief of Police:

- Information regarding civil litigation;
- Changes or official statements regarding departmental policy, procedures and/or administration;
- Internal disciplinary matters, internal investigations, personnel matters, and complaints against the Department to the extent such statement may lawfully be disclosed.

N.C.G.S. §160A-168, "Privacy of Employee Personnel Records", provides that information about city employees which is public record is limited to: name, age, date of original employment or appointment to the service, title, current position, current assignment, current salary, date and amount of each increase or decrease in salary, date and type of each promotion, demotion, transfer, suspension, separation or other change in position classification, and a copy of the written notice of the final decision of a municipality setting forth the specific acts or omissions that are the basis of a dismissal.

IDENTIFICATION OF MEDIA REPRESENTATIVES

Members of the Department releasing information to members of the news media shall make a reasonable effort to ensure that such individuals have some form of official identification or credentials that confirms their status (unless the individual and their status is personally known to the member). In the instance of telephone conversations, reasonable judgment should be exercised in ensuring that the member is speaking to a bona fide member of the news media. Should such identification be in question, the individual should be referred to the Public Affairs Unit for assistance.

At Police Headquarters, media personnel are classified as visitors and as such, shall be issued a "visitor's pass" by the Desk Officer. Passes are to be affixed on an outer garment in plain view.

ACCESS TO CONTROLLED AND SECURED AREAS

For the purpose of this directive, controlled areas are defined as areas not open to the public or unauthorized persons. The crime lab, property and evidence room, supply room, central records section, assembly or interview areas are examples of controlled areas. Media representatives may not be admitted to these areas except upon express approval of the Division or District Commander. Secured areas are defined as locations secured as crime or incident scenes or which have been lawfully barricaded or blocked by government officials. While media representatives have no constitutional right of access where the general public is excluded, they cannot be restricted from areas where the general public is allowed.

ACCESS OF NEWS MEDIA/PHOTOGRAPHERS ON PUBLIC OR PRIVATE PROPERTY

No member of the Department shall deliberately pose a person under police control for photographs or filming. (This does not prohibit the Department from photographing for evidentiary or intelligence purposes).

Public Areas: Media representatives will have access to the following public areas: streets, sidewalks, public access areas or those dedicated or open to the public, except when the area has been identified as a secure area or when such access is restricted by court order. No member of the Department shall attempt to deny or restrict media representatives or the general public from being in such unrestricted locations, or from taking photographs or other audio or video recordings from such locations unless the individual is causing an actual interference with the performance of a law enforcement function or reasonably poses a threat to the member's safety.

Private Property: Members of the Department are not authorized to allow media representatives to enter private property. Private citizens having control of the property may allow access to anyone, except when the area has been identified as a crime scene or such access is restricted by court order. If allowed upon the premises, no member of the Department shall attempt to deny or restrict media representatives or the general public from taking photographs or other audio or video recordings unless the individual is causing an actual interference with the performance of a law enforcement function or reasonably poses a threat to the member's safety.

Ride Along Access: Officers who have a media representative as a "ride-along," due to their participation in the Citizens Police Academy Program or other legitimate purpose, will have the responsibility to ensure that the representative's presence does not violate the conditions and restrictions of this general order. All such ride- a-longs must be approved by the appropriate Bureau Commander.

SPECIAL CONSIDERATIONS

Department personnel shall extend every reasonable courtesy to news media representatives at crime scenes. This may include closer access of personnel and strategic location of equipment than available to the general public to the degree that it does not interfere with the police mission or the movement of traffic.

At the scene of major crimes, such as hostage and barricade situations, the Incident Commander shall designate a preliminary press area under the control of the Public Affairs Manager or designee as early as possible and as close to the scene as safety and operational requirements allow.

Members of this agency who believe they were treated unethically by a member of the media should contact the Chief's Executive Officer. Unethical treatment by a member of the media would include knowingly publishing inaccurate facts and the reporting of a story where there is a conflict of interest.

NEWS RELEASES INVOLVING MULTIPLE AGAINCIES

In matters involving mutual efforts of the Durham Police Department and other departments or agencies, the release of information shall be made by the department or agency in charge unless otherwise agreed upon by the respective departments or agencies.

VICTIM / WITNESS ASSISTANCE PROGRAM

The Community Services Commander or his/her designee shall coordinate with the Public Affairs Unit in an effort to inform the public and media about the Department's victim/witness assistance services.

POLICY REVIEW

The Durham Police Department may involve the news media in the development and/or changes in policies affecting news media relations. The Executive Officer of the Chief of Police may solicit input from members of the media prior to making substantial changes in this Media Relations policy.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4061 R-3**

RECORDING ARREST INFORMATION

Effective Date: 12/15/1995	Revision Dates: R-1 01/10/2005; R-2 01/31/2011; **R-3 12/01/2015**

INTRODUCTION

The Durham Police Department will comply with all State regulations concerning records kept of arrests. The Department will maintain a disposition file of all cases presented to the District Attorney's Office for prosecution.

ARREST FORMS

All felony and misdemeanor arrests will be recorded on a Durham Police Department arrest report and additional information on the case report. These reports must be completed by hand, or through OSSI RMS. Each section of the report must be completed if the information is known at the time of submission. The completed arrest form(s) must be submitted to the arresting officer's supervisor prior to the end of shift. The supervisor will, in turn, submit the arrest report to the DPD records unit prior to the end of his/her shift.

FINGERPRINTS AND PHOTOGRAPHS

In addition to filling out the Arrest Report and Case Reports, arresting officers in all adult cases must have the arrestee(s) fingerprinted and photographed. Juveniles will be fingerprinted and photographed based on the guidelines of N.C.G.S. § 7B-2102.

Fingerprinting and photographing are done by the Detention Officers at the Durham County Jail. The fingerprints are submitted electronically to the North Carolina State Bureau of Investigation (SBI) for maintenance in the Statewide Automated Fingerprint Identification System. The photographs are submitted and stored electronically at the Durham County Jail Records System.

DNA COLLECTION

Certain offenses require collection of a DNA sample upon arrest in compliance with the DNA Database Act - Article 13 of Chapter 15A of the NC General Statutes and N.C.G.S. § 7B-2201. The following DNA collection procedures are not applicable to other DNA samples collected for evidentiary purposes.

If a person is arrested without a warrant, the DNA sample will not be taken until a lawful probable cause determination has been made by a judicial official. In addition, DNA samples will not be obtained if a DNA sample has previously been obtained by lawful process and the DNA record is stored in the State DNA Database and that record and sample has not been expunged pursuant to any provision of law.

DNA collection will be obtained by the arresting officer from persons arrested who violate the following offenses, in accordance with N.C.G.S. § 15A-266.3A:

- N.C.G.S. § 14-16.6(b), Assault with a deadly weapon on executive, legislative, or court officer.
- N.C.G.S. § 14-16.6(c) Assault inflicting serious bodily injury on executive, legislative, or court officer.
- N.C.G.S. § 14-17, First and second degree murder
- N.C.G.S. § 14-18, Manslaughter
- Any felony offense in Article 6A, Unborn Victims
- Any offense in Article 7A, Rape and Other Sex Offenses
- N.C.G.S. § 14-28 Malicious castration
- N.C.G.S. § 14-29 Castration or other maiming without malice aforethought
- N.C.G.S. § 14-30 Malicious maiming
- N.C.G.S § 14-30.1 Malicious throwing of corrosive acid or alkali
- N.C.G.S. § 14-31 Maliciously assaulting in a secret manner
- N.C.G.S. § 14-32, Felonious assault with a deadly weapon with intent to kill or inflicting serious injury
- N.C.G.S. § 14-32.1(e) Aggravated assault or assault and battery on handicapped person
- N.C.G.S. § 14-32.2(a) when punishable pursuant to N.C.G.S. § 14-32.2(b)(2) Patient abuse and neglect, intentional conduct proximately causes death
- N.C.G.S § 14-32.3 Domestic abuse of disabled or elder adults resulting in injury
- N.C.G.S. § 14-32.4 Assault inflicting serious bodily injury or injury by strangulation
- N.C.G.S. § 14-32.4(a), Assault Inflicting Serious Bodily Injury
- N.C.G.S. § 14-33.2 Habitual misdemeanor assault
- N.C.G.S. § 14-34.1 Discharging certain barreled weapons or a firearm into occupied property
- N.C.G.S. § 14-34.2, Assault with a firearm or other deadly weapon upon governmental officers or employees, company police officers or campus police officers
- N.C.G.S. § 14-34.4 Adulterated or misbranded food, drugs, etc. with intent to cause serious injury or death or extort
- N.C.G.S. § 14-34.5, Assault with a firearm on a law enforcement, probation or parole officer
- N.C.G.S. § 14-34.6, Assault or affray on a firefighter, an emergency medical technician, medical responder, emergency department nurse, or emergency department physician
- N.C.G.S. § 14-34.7, Assault inflicting serious injury on a law enforcement, probation or parole officer or on a person employed at a state or local detention facility
- N.C.G.S. § 14-34.9 Discharging a firearm from within an enclosure
- N.C.G.S § 14-34.10 Discharging firearm within enclosure to incite fear
- Any offense in Article 10, Kidnapping and Abduction
- Any offense in Article 10A, Human Trafficking

- Any offense in Article 13, Malicious Injury or Damage by Use of Explosive or Incendiary Device or Material
- N.C.G.S. § 14-51, First and second degree burglary
- N.C.G.S. § 14-53, Breaking out of dwelling house burglary
- N.C.G.S. § 14-54(a1) Breaking or entering building with intent to terrorize or injure
- N.C.G.S. § 14-54.1, Breaking or entering a place of religious worship
- N.C.G.S. § 14-57, Burglary with explosives
- Any offense in Article 15., Arson
- N.C.G.S. § 14-87, Armed robbery
- Common law robbery punishable pursuant to N.C.G.S. § 14-87.1
- N.C.G.S. § 14-88 Train robbery
- Any offense that would require the person to register under the provisions of Article 27A, Sex Offender and Public Protection Registration Programs
- N.C.G.S. § 14-163.1(a) Assaulting a law enforcement agency animal, assistance animal, or a search and rescue animal willfully killing the animal
- N.C.G.S. § 14-196.3, Cyberstalking
- N.C.G.S. § 14-202 Secretly peeping into room occupied by another person
- N.C.G.S. § 14-258.2 Possession of dangerous weapon in prison resulting in bodily injury or escape
- N.C.G.S. § 14-258.3 Taking of hostage, etc. by prisoner
- N.C.G.S. § 14-258.4 Malicious conduct by prisoner
- N.C.G.S. § 14-277.3A, Stalking
- N.C.G.S. § 14-288.9 Assault on emergency personnel with dangerous weapon or substance
- N.C.G.S. § 288.21 Unlawful manufacture, assembly, possession, storage, transportation, sale purchase, delivery, or acquisition of nuclear, biological or chemical weapon of mass destruction
- N.C.G.S. § 14-288.22 Unlawful use of a nuclear, biological or chemical weapon of mass destruction
- N.C.G.S. § 14-318.4(a) Child abuse inflicting serious injury
- N.C.G.S. § 14-318.4(a3) Child abuse inflicting serious bodily injury
- N.C.G.S. § 14-360(a1) Cruelty to animals, deprivation of necessary sustenance
- N.C.G.S. § 14-360(b) Cruelty to animals, maliciously torture, mutilate, maim, cruelly beat, disfigure, poison or kill
- N.C.G.S. § 14-401.22(e) Attempt to conceal evidence of non-natural death by dismembering or destroying remains
- Any arrest for attempting, solicitation of another to commit, conspiracy to commit, or aiding and abetting another to commit, any of the above listed offenses.

Note that misdemeanor assault on a law enforcement officer [N.C.G.S. § 14-33(c)(4)] is NOT included. A complete list of all qualifying charges is available online on the Employees website under the officer's supplemental page.

Juvenile Offenders Subject to DNA Collection (N.C.G.S. § 7b-2201)

When jurisdiction over a juvenile is transferred to the superior court, a DNA sample will be taken from the juvenile if any of the offenses for which the juvenile is transferred are included in the list of offenses in N.C.G.S. § 15A-266.3A. It is the responsibility of the lead detective or assigned officer to ensure that a DNA sample is obtained in accordance with this policy.

COLLECTION PROCEDURES

Only the SBI provided kits are to be used for the DNA samples collected under the DNA Database Act of 2010. The kits for use by DPD are stored at the Durham County Jail and can be obtained from a Detention Officer. Proper DNA collection procedures are included with each of the kits and must be followed exactly. The arresting officer is responsible for collection and submission of the DNA sample kit.

The following items must be completed with the kit:

- DNA sample
- SBI DNA Database Collection Card - The information on the SBI DNA Collection Card is to be completed by the arresting officer or printed from the Live Scan. The thumbprints will be completed via Live Scan or manually by the jail Detention Officer. Once the arresting officer obtains the DNA sample using the SBI kit, the sample and SBI DNA Database Collection Card are placed inside the provided envelope and sealed.
- DNA Collection Form - The DNA Collection Form is to be completed by the arresting officer, attached to the corresponding arrest report, and submitted to the DPD Records Unit.
- NC Department of Justice Expunction Procedures Notice - The Expunction Notice form must be given to the arrestee at the time of the DNA collection.

DNA KIT SUBMISSION PROCEDURES

The sealed kit, DNA Collection Form, and DPD arrest report are immediately brought to DPD Headquarters (HQ) by the arresting officer.

The DNA Collection Form and arrest report will be placed together in the appropriate Records drop box on the first floor of HQ. The DPD Records Unit will place the information in the case file.

The DNA sample envelope will be placed in the designated DNA kit mailbox in the first floor mail area of HQ. The DNA kits will be forwarded to the SBI by the DPD Property and Evidence Unit via US Mail or hand delivery within seven days of collection.

Correcting Information Submitted To the SBI

If the arrestee's name, date of birth, or other information was submitted to the SBI incorrectly then the arresting officer or lead investigator must immediately contact the SBI DNA Database unit at 919-662-4509 x2272 or x2275 and give the correct information.

Refusal or Inability to Complete the DNA Sample Collection

If an arrestee refuses to provide a required DNA sample, officers will not use force to complete the collection. Rather, the magistrate or judicial official is required to make the collection of the DNA sample a condition of pretrial release. In the instance where the arresting officer is no longer present or available when an arrestee is

ready to give the DNA sample, the Durham County Sheriff's Office Detention Officers will perform the required DNA collection and notify the DPD Forensic Services Unit (FSU) that a kit was collected. FSU will collect the kit and paperwork from the jail and submit it to HQ according to submission procedures.

CONFIDENTIALITY OF RECORDS

DNA samples and records submitted to the SBI shall be treated as confidential information and are not public records. DNA records and samples submitted to the SBI may only be released for the purposes authorized in N.C.G.S. § 15A-266.12 which are generally:

- For law enforcement identification
- For criminal defense and appeal
- For forensic validation studies, protocol development or quality control, and for use with a population database.

Any person who, without authorization, willfully obtains information from the State DNA Databank or Database, or who has possession of or access to said information and willfully discloses it to any person or agency not entitled to receive it is guilty of a Class H felony**.**

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4062**

BIAS & HATE CRIME INVESTIGATIONS

Effective Date**: 04/26/2013**	Revision Dates:

INTRODUCTION

Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate and bias and designed to infringe upon the rights of individuals are viewed very seriously by this agency and will be given high priority. The Durham Police Department shall employ necessary resources and vigorous law enforcement action to identify and arrest hate crime offenders.

DEFINITIONS

Hate crime – A term generally used to describe a criminal offense against a person or property motivated, in whole or in part, by an offender's bias against a race, religion, disability, ethnic origin or sexual orientation. Hate crimes are also commonly referred to as *bias* crimes.

NORTH CAROLINA HATE CRIMES STATUTES

While North Carolina law does not use the term "hate crime," there are several related statutes which address these types of offenses and with which officers should be familiar:

- N.C.G.S. § 14-3 (c) Punishment for offenses committed with ethnic animosity;
- N.C.G.S. § 14-12.2 through § 14-12.15 Secret societies and activities;
- N.C.G.S. § 14-401.14 Ethnic intimidation.

PROCEDURES

Investigative Goals:

- Officers shall conduct a thorough and complete investigation in all suspected and confirmed hate crime incidents.
- Officers should make every effort to become familiar with organized hate groups operating in the community and police contacts should be documented.

Initial responding officers at the scene of a suspected hate crime shall take preliminary actions in accordance with GO 4018, including, but not limited to, the following:

- Have technician collect and photograph physical evidence such as hate literature, spray paint cans, and symbolic objects used by hate groups, such as swastikas and crosses.

- Identify any prior bias-motivated occurrences in the immediate area or against the same victim.

During your investigation, look for possible signs that the incident may be a hate crime:

- The motivation of the perpetrator or lack of motive.
- Statements made by the perpetrator.
- The presence of multiple perpetrators.
- The display of offensive symbols, words or acts.
- Was any hate literature found in the possession of the suspect?
- Is the victim the only person of a particular group at a park or facility?
- Is the victim from a different racial, ethnic, religious group than the perpetrator?
- The absence of any motive. The brutal nature of a particular incident could denote a hate crime, particularly when the perpetrator and victim don't know each other.
- The perpetrator's perception of the victim, whether accurate or not.
- The date, time or circumstances of the occurrence, such as on a religious holiday, or an event occurring at a gathering of a group of people affiliated by ethnicity, religion, sexual orientation, etc.
- Multiple incidents occurring in a short time period and all the victims were of the same identifiable group.
- Were the real intentions of the perpetrator racial, color, religious or ethnic oriented, or were there other reasons such as pranks, unrelated vandalism, or a dispute arising out of a non-bias related disagreement?
- Incident occurred in proximity to an establishment that could be associated with one of the protected classes.
- The victim's perception that he/she was selected because they are a member of an identifiable group.

Be cognizant of dual motivation by some suspects. Example: A suspect may be looking to commit robberies but specifically targets Hispanic victims.

SUPERVISORY RESPONSIBILITIES

Express the law enforcement agency's official position on the importance of these cases, and describe the measures that will be taken to apprehend the offender(s).

Ensure that the Watch Commander is notified of an imminent need to address community-based organizations, civic groups, and religious institutions regarding the suspected or confirmed bias incident.

Refer victim to Community Resources Division to address security measures and precautions which the victim might take.

The supervisor will ensure that officers and investigator conduct a thorough preliminary investigation and ensure that all relevant facts are documented on an Incident Report (Code 1). If a determination is made that the incident should be classified as a hate crime, page 2 of the incident form will be completed under the heading "bias motivated" noting the circumstances of the incident.

INVESTIGATORS' RESPONSIBILITIES

In responding to the scene of an alleged hate crime, investigators shall assume control of the follow-up investigation to include:

- Recommend to Commanding Officer whether the incident should be classified as a hate crime.
- Ensure information regarding North Carolina Victim's Rights Law (N.C.G.S. § 15A-831) is provided to the victim and/or referral to Victim Services Unit for follow-up services.
- Tell the victim about the probable sequence of events in the investigation and prosecution.

INCIDENT REPORT PREPARATION

The narrative portion of the Incident report should document facts which indicate that the victim(s) was intentionally selected or that the act was intentionally committed because of a belief or perception regarding such victim's race, ethnic origin, color, national origin, religion, disability, or sexual orientation. The specific bias motivation of the perpetrator should be documented (Ex: selected victim because he was Hispanic, Jewish, Muslim, etc…)

REPORTING TO THE STATE BUREAU OF INVESTIGATION

Pursuant to the North Carolina Division of Criminal Information (NCDCI), once a hate or bias crime incident is investigated and vetted as such, the police agency must report the incident to the State Bureau of Investigation. The Analytical Services Division Commander is responsible for compliance with this mandate and reporting any hate crime to the SBI utilizing the electronic form A8 – Hate Crimes Incident Report.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4063**

PRISONER TRANSPORT VAN - RESCINDED

Effective Date: 04/15/2001	Revision Dates: R-1 01/10/2005; **Rescinded 02/09/2010**

On February 9, 2010, this general order was rescinded.

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4064 R-5**

IN CAR CAMERAS

Effective Date: 01/15/2001	Revision Dates: R-1 01/10/2005; R-2 11/22/2006; R-3 09/06/2012; R-4 01/26/2016; **R-5 10/01/2016**

INTRODUCTION

In an effort to enhance its services to the community, the Durham Police Department utilizes in car camera systems to provide an additional layer of documentation for evidentiary and administrative purposes. This General Order establishes policy for departmentally owned or operated In Car Camera (ICC) systems and the audio/video recordings produced by these cameras. The overall management of the ICC program will reside with the Department's Information Technology (IT) Manager, within the Administrative Services Bureau. The IT Manager, or his/her designee, is responsible for handling or directing administrative and management matters related to the department's ICC program as outlined in this policy or as further directed.

DEFINITIONS

In Car Camera (ICC) - A device or system installed within select Durham Police Department vehicles that is used for electronically recording images or audio depicting interaction with others by law enforcement agency personnel. Systems may include some or all of the following components: front facing camera, rear facing camera (in most systems), overhead display (control center and/or monitor), trunk-mounted CPU/power supply, removable hard drive, in-car microphone and a personally issued wireless microphone transmitter. It is also referred to as a Dashboard Camera.

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 Durham Police Department. 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 an in car camera (dashboard camera) operated by or on behalf of the Durham Police Department or its law enforcement personnel when carrying out law enforcement responsibilities. For purposes of disclosure and release, this term does not include interviews of suspects or witnesses.

Release - To provide a copy of a recording.

PD Help Desk - A component of the DPD Information & Technology Division (IT), the PD Help Desk is the first point of contact for all ICC-related requests and may be reached via email pdhelpdesk@durhamnc.gov or phone 919-560-1350.

ASSIGNMENT

ICCs are assigned to patrol, HEAT, traffic services and highway interdiction vehicles. They may also be added to other units if determined by the Chief of Police to be of sufficient benefit to the Department.

APPLICATION & USE

Officers are required to conduct a test to ensure that both audio and video recording capabilities are functioning at the beginning of each shift/vehicle use when they turn the system on.

Powering on the ICC

All officers operating a vehicle equipped with an ICC shall, unless there is a mechanical failure, ensure the ICC is powered "on" at all times while the officer is operating a vehicle equipped with an ICC. The ICCs are designed to power "on" whenever the vehicle's ignition is started. The log in screen should appear shortly after the system first powers on.

Logging in and Synchronizing the Wireless Microphone Transmitter

Once powered "on" and as soon as reasonably possible, officers will log in to the ICC with their individually assigned login credentials and will synchronize their personally assigned wireless microphone transmitter with the ICC.

Using Wireless Microphone Transmitters

The wireless microphone transmitters allow for recording audio both inside and outside of the patrol car.

Officers are required to use/carry their personally assigned wireless microphone transmitters whenever operating a vehicle equipped with an ICC.

Officers are responsible for ensuring that their wireless microphone transmitters are charged prior to each duty shift and for synchronizing their transmitters to the ICC within their patrol car at the beginning of each shift.

To record adequate audio, the wireless microphone transmitter shall:

- be worn on the belt by using the black leather pouch that was issued to the officer at time of the transmitter issuance; or
- carried inside a shirt/coat pocket.

Officers are NOT to carry a wireless microphone transmitter in their pants pocket due to that resulting in very poor and inadequate audio recording.

Activating a Recording

Recordings will be activated either automatically or manually in order to document evidentiary (criminal actions, crime scenes, statements by or to a suspect/victim/witness, etc.) or procedural (searches, arrest process/transport, police vehicle response, police vehicle accident, etc.) actions. When a detainee is transported,

the appropriate camera will record both audio and video for the transport to include activation of the rear video and audio system when the detainee is transported in the rear seat.

There is a 60 second pre-event buffer programmed into the front and rear camera settings which allows the ICC to record 60 seconds of video only (no audio) prior to the physical activation of the ICC's record mode. For example, when an officer activates his/her blue lights, both audio and video recording begin at the exact time of the blue light activation. However, the 60 seconds prior to the blue light activation will also be recorded as video only.

If a citizen asks whether an ICC recording is being made, officers should answer to the affirmative in cases where the ICC is in active record mode.

Stopping a Recording

Stopping an active recording is only permitted when there is no longer any reasonable likelihood of recording video or audio that is evidentiary or procedural in nature.

Once a recording has been stopped, the officer shall use the available drop-down menu on the monitor/display to select the appropriate "event type" for that video to ensure that the video is maintained in accordance with the requirements for municipal records retention and available for criminal discovery, civil matters that may arise, and administrative purposes. If no event type is selected, the default event type allows for a video retention of 180 days before the video is deleted.

Officers who fail to select an event type immediately following the stoppage of an active recording or who need to reset an event type may do so later by updating the video on their ICC prior to upload. After upload, they may make the change using a designated PC or contact the PD Help Desk to request the update.

Powering Off an ICC

Other than at the end of an officer's shift, officers shall not manually power off an ICC. The ICCs are designed to automatically power off 50 minutes after the vehicle's ignition is turned off. If there is a problem with the vehicle's car battery or the ICC's power supply battery, the ICC is designed to power off before 50 minutes to help prevent additional drain on the vehicle battery.

At the end of an officer's shift, the officer may use the ICC's "Menu" function on the overhead monitor/display to shut down (or "exit") the ICC.

RECORDED VIDEO STORAGE & RETENTION

Recordings are transferred from an ICC onto departmental storage server(s) through one of two methods:

- Wireless uploads at authorized wireless upload sites. Wireless uploads will resume where they left off if a vehicle must leave a wireless upload site prior to all videos being transferred.
- Manual uploads by authorized personnel who physically remove and replace an ICC's hard drive.

Officers who need to upload recordings during their workday may put themselves out-of-service (10-7) for the amount of time needed to complete the upload if necessary. Officers are encouraged to take every opportunity to periodically upload recordings throughout the workday to reduce excessive delays at the end of the day.

Prior to going off-duty for that particular shift, officers should upload all recordings from their ICC, if reasonably feasible. All recordings must be uploaded no later than the officers' next working day and prior to any 7-day or longer breaks. If an officer has recorded an incident that an officer should reasonably believe may be relevant to a citizen's complaint, involves a use of force or significant arrest, or any other similar incident,

the officer shall upload said recording before going off-duty. Officers shall make every reasonable effort to upload recordings as required while already on-duty with the City to avoid incurring unnecessary overtime. Supervisors are responsible for monitoring and ensuring that overtime is not being unreasonably or unnecessarily accumulated.

Recordings are stored on departmental server(s) for a minimum of 180 days. By selecting an event type other than the default event type for a specific video, the minimum retention of the video is increased. The retention time frames for each event type are:

- 180 days (6 months) – Default
- 180 days (6 months) – Infractions
- 1095 days (3 years) – DWIs
- 1095 days (3 years) – Misdemeanor cases
- 2555 days (7 years) – Collisions involving City of Durham vehicles
- 7300 days (20 years) – Felony cases
- Indefinite hold – Professional Standards

DISCLOSURE AND RELEASE

All video and/or audio captured by ICCs are the property of the Department.

Any interviews of suspects or witnesses captured by an ICC constitute criminal investigation records, and are not public records, pursuant to N.C.G.S. §132-1.4. Such records are open to inspection, copying, and dissemination in accordance with this statute or as otherwise required by law.

All other ICC recordings are governed by N.C.G.S. §132-1.4A. These recordings may only be disclosed or released in accordance with the below provisions.

Internal Disclosure and Release

A recording shall be disclosed or released to the City Manager and/or Deputy City Manager(s), and attorneys assigned to the City Attorney's Office, as requested by such individuals for administrative purposes.

Officers may upload and view/listen to their own ICC recordings for law enforcement purposes only. Members may not upload or view/listen to recordings from ICCs assigned to other member's vehicles unless necessary for the performance of a supervisory function or administrative duty/assignment, mandatory or supervisor approved training, or as otherwise required by law.

Recordings may only be released to members when necessary for administrative, training or law enforcement purposes.

Members shall send requests for the release of a recording via email or telephone to the PD Help Desk, which will then forward them to appropriate IT Division personnel for processing. Due to the amount of time it may take to locate recordings, these requests should be made as far in advance as possible and, to the extent it is reasonably known or available, the following information should be included:

- Requesting member's name and contact information (typically, a recording will only be released to the lead officer/investigator for that particular incident)
- Reason for request (evidence for court, wreck investigation, training, etc.)

- The number of copies needed (for court purposes, normally two copies are provided – one for the officer's case file, and one for the District Attorney's office).
- Date copies are needed by
- Approximate date/time of the recorded incident
- Brief incident description (suspect or vehicle description, location, action to look for, etc.)

Members to which recordings are released shall not further disclose or release the recording beyond the extent necessary for the purpose for which it was provided, unless such disclosure or release is specifically authorized by this policy or required by law.

Disclosure and Release to a District Attorney or Law Enforcement Agency

A recording must be disclosed or released to a district attorney:

- For review of potential criminal charges;
- In order to comply with discovery requirements in a criminal prosecution;
- For use in criminal proceedings in district court; or
- Any other law enforcement purpose.

A recording may be disclosed or released to another law enforcement agency for law enforcement purposes.

Disclosure Pursuant to a Written Request

Besides those disclosures mandated or permitted above, any other disclosure of recordings must be pursuant to a written request made to the Chief of Police. The written request may, but is not required to be, on a form provided by the Department. All written requests must include the date and approximate time of the activity captured in the recording, or other identification of the activity with reasonable particularity to sufficiently identify the recording to which the request refers.

Only the following persons are authorized to receive disclosure of a recording pursuant to a written request:

- A person whose image or voice is in the recording;
- A personal representative of an adult person whose image or voice is in the recording, if the adult person has consented to the disclosure;
- A personal representative of a minor or of an adult person under lawful guardianship whose image or voice is in the recording;
- A personal representative of a deceased person whose image or voice is in the recording; or
- A personal representative of an adult person who is incapacitated and unable to provide consent to disclosure.

Due to the short period of time in which the Department must respond to such requests, any member receiving a written request shall immediately deliver the request by personal delivery or email to the Professional Standards Division. The Commander of the Professional Standards Division or his/her designee will immediately request a copy of the recording from the Information Technology Division (IT) staff. The IT staff will provide the recording as soon as possible, but absent extenuating circumstances communicated to the Professional Standards Division Commander, no later than one business day after receiving the request from the Professional Standards Division. The recording will be reviewed by the Professional Standards Commander or his/her designee within the Professional Standards Division, along with the affected officer(s)' Assistant Chief, Deputy

Chiefs, and/or Chief of Police, who will determine if disclosure to the requesting party will be allowed or denied and, if allowed, whether any redactions will occur. The following factors may be considered in making this decision:

- Whether the person requesting disclosure of the recording is a person authorized to receive disclosure;
- Whether the recording contains information that is otherwise confidential or exempt from disclosure or release under State or federal law;
- Whether disclosure would reveal information regarding a person that is of a highly sensitive personal nature;
- Whether disclosure may harm the reputation or jeopardize the safety of a person;
- Whether disclosure would create a serious threat to the fair, impartial, and orderly administration of justice; and
- Whether confidentiality is necessary to protect either an active, inactive, or potential, internal or criminal investigation.

Unless otherwise agreed to by the requesting party, within 3 business days of the Department's receipt of a written request for disclosure, the Commander of the Professional Standards Division or, in his/her absence, his/her designee, must either disclose the recording or notify the requesting party of the Department's decision not to disclose the recording and the reason(s) for such denial.

If a written request for disclosure is granted, only those portions of the recording relevant to the person's request may be disclosed. A person who receives disclosure is prohibited from recording or copying the recording.

If a written request for disclosure is denied, or if disclosure has not been provide more than 3 business days after a request is made, the person seeking the disclosure may appeal to superior court. The Chief of Police, Department personnel whose image or voice is in the recording, and the District Attorney must be notified of the appeal and given an opportunity to be heard. Any member receiving notice that a petition for disclosure has been filed shall immediately notify the police attorney or, in his/her absence, other staff of the City Attorney's Office. A judge may issue an order for disclosure if the court finds that the Department abused its discretion in denying the request. Any order issued pursuant to this procedure may not direct release of the recording.

Release Pursuant to a Court Order

Besides those releases mandated or permitted as described above, any other release of a recording must be pursuant to a court order. Any person seeking release of a recording, including the Department and its members, must petition the superior court for an order to release a recording. Any member seeking release of a recording pursuant to a court order shall make a request through the member's chain of command to the Chief of Police. The Chief of Police must be given notice and an opportunity to be heard when a petition is filed by a person authorized to receive disclosure for release to such a person. If the petition is filed by a person not authorized to receive disclosure, or seeks release to any person other than a person authorized to receive disclosure, the Chief of Police, Department personnel whose image or voice is in the recording and the District Attorney must be given notice and an opportunity to be heard. Only portions relevant to the request may be ordered released.

SUPERVISOR REVIEW

District and Division Commanders with direct reports utilizing ICCs are responsible for ensuring that a minimum of two ICC recordings of their direct reports are reviewed each month. Reviews may be conducted at random or as a result of a complaint and will be documented on the Monthly Camera Footage Review form. If

a system error, or other issue, occurs that prevents a review from taking place, this will be documented on the form and PDHelpdesk should be notified as soon as the error becomes known.

EDITING OR REDACTION OF ICC RECORDINGS

The disclosure or release of ICC recordings may require editing or redaction to limit or prevent dissemination of information that may compromise an ongoing investigation, reveal the identity of juveniles, victims, witnesses, etc. Any editing or redaction of recordings requires a court order or prior approval by the Chief of Police or his/her designee. At the direction of the Chief of Police or his/her designee, the IT Manager will coordinate the redaction of the required portions of the designated recording.

ICC INSTALLATION, REPAIRS AND INVENTORY

Installation

Installation and repairs shall be coordinated by the Department's designated Information Technology personnel and will be handled by an authorized service center for the department's ICC systems.

Inspections

Supervisors may, at their discretion, choose to inspect ICC systems during line inspections.
The IT Manager or his/her designee may conduct an inspection of any ICC System at their discretion. These inspections should be scheduled with the affected supervisor.

Repairs

Officers shall report any issues/problems with ICC equipment to their immediate supervisors.

Officers shall immediately report any issues involving malfunctioning, broken or missing ICC equipment to the PD Help Desk who will, in turn, forward those concerns to the appropriate IT personnel who will coordinate all repairs and troubleshooting.

Information Technology personnel will document reported malfunctions and the solutions to those malfunctions.

Inventory

The IT Manager or his/her designee will maintain an inventory database of all main ICC components, to include personally assigned wireless microphone transmitters.

Officers who have been issued wireless microphone transmitters but are later transferred to units that do not have ICC-equipped vehicles will be required to turn back in to the IT Division their personally assigned transmitter equipment. If the transmitter equipment is lost or damaged due to a violation of policy or carelessness while assigned to a specific officer, that officer may be held financially responsible for any repair or replacement.

TRAINING

Officers will receive initial training on all aspects of this General Order during their PTO phase of training.

Supervisors required to conduct administrative reviews will obtain instructions for the use of the system through their chain of command.

Officers needing additional training in using the ICC equipment should contact the PD Help Desk to request such training. Likewise, supervisors who note that any of their subordinates need additional training in ICC use should contact the PD Help Desk.

The PD Help Desk will refer all requests for additional training to the ICC Program Manager for follow-up.

Cerelyn J. Davis
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4065 R-2**

SCHOOL PRINCIPAL NOTIFICATION

Effective Date: 11/01/1998	Revision Dates: R-1 01/10/2005; **R-2 11/11/2013**

INTRODUCTION

It is the policy of the Durham Police Department to provide a standard notification to school principals in compliance with N.C.G.S. § 15A-505.

GOVERNING AUTHORITY

N.C.G.S. § 15A-505 (c) states: A law enforcement officer who charges a person with a criminal offense that is a felony, except for a criminal offense under Chapter 20 of the General Statutes, shall notify the principal of any school the person attends of the charge as soon as practicable, but at least within 5 days.

GUIDELINES AND RESPONSIBILITIES

Whenever a student, 16 years of age or older, is charged with and/or taken into custody for a felony (excluding felony offenses under Chapter 20 of the General Statutes), the arresting officer will notify the principal of the school the student attends. The charging or arresting officer will obtain school information from the student charged. Officers should document on the arrest report efforts to determine what school the student attends. For the purpose of this General Order, the term “school” shall mean any public or private primary or secondary school.

This notification shall be made within five (5) days of the charge or arrest and shall be in writing using the attached form letter. A copy of this notification is sent to the school principal, a copy will be forwarded to the District Attorney’s Office, a copy will be sent to Records for archival and a copy should be mailed to the Durham Public Schools Security Department C/O Tina Ingram 1817 Hamlin Road Durham, NC 27704.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4066 R-2**

MOBILE POLICE SUBSTATION

Effective Date: 04/01/1999	Revision Dates: R-1 07/25/2003; **R-2 01/04/2015**

INTRODUCTION

The Mobile Police Substation (MPS) is a mobile, self-contained communications and command center for field commanders and supervisors during natural or civil disasters and special police operations. Overall objectives are to increase police visibility, provide a centralized location for officers to conduct police-related activities while remaining in the field, a focal point for police/citizen interaction, and to serve as a command center during unusual occurrences.

DEFINITIONS

Mobile Police Substation (MPS) – A mobile office, command post and administrative center used to supplement law enforcement services for the Durham Police Department.

MPS Custodian – An on-call officer, designated by the Chief of Police, assigned to monitor all aspects of the MPS.

MPS Driver – An officer specially trained in the operation and care of the MPS. MPS Drivers will be on call to deploy the MPS on a 24-hour/7-day week basis.

MPS Hangar – A designated space for storing the MPS vehicle, currently located in in the parking lot of Substation 1.

USE OF THE MPS

The MPS is available for use on a call-out basis, twenty-four (24) hours a day. A designated MPS Driver must accompany the MPS anytime it is deployed. Any field supervisor may request the MPS be deployed for an unusual occurrence. Use of the vehicle for other purposes by the Police Department must be approved in advance by the MPS Custodian. The MPS is also available for use by other City of Durham Departments and outside governmental agencies for special situations requiring coordination of effort involving multiple jurisdictions. The Chief of Police must approve use of the MPS by anyone other than Durham Police Department personnel.

The MPS Custodian will establish an emergency on-call schedule for MPS Drivers and ensure that the schedule is distributed to the appropriate personnel. Any field supervisor can make emergency call-out of the MPS by contacting the Watch Commander. The Watch Commander will then contact the on-call MPS Drivers and dispatch them to the desired location. . In the event that the MPS is taken out of service for short periods of

time, the MPS Custodian will notify the on-call Driver. If taken out of service for an extended period of time, notification of such will be made through the chain of command.

Critical incidents or unusual occurrences will take precedence over all other assignments. At any scene, the Incident Commander will designate a safe location for the MPS to be set up. If the dispatched location for the MPS to respond to is inaccessible or otherwise not suitable for positioning the MPS, the driver will request an alternate location from the incident commander.

CARE AND OPERATION

The MPS Custodian will schedule MPS Drivers' maintenance responsibilities. Officers scheduled for maintenance will be responsible for completing a weekly checklist of maintenance items. MPS Drivers will also be responsible for adhering to the operational guidelines as they apply to checking the vehicle's general status when it is deployed and for preparing the vehicle for storage after use in the assigned hangar space.

The MPS Custodian will be responsible for conducting monthly inspections of the MPS and all equipment assigned to the vehicle.

All equipment maintained on the MPS will be utilized in accordance with manufacturer specifications. Instructions and procedures on specific equipment operation will be available on the MPS, if applicable, by the MPS Custodian.

MPS DRIVERS

Only trained officers appointed by the Chief of Police will operate the MPS. The MPS Custodian will keep training records. Officers interested in operating the MPS may submit their intent in writing to the MPS Custodian who will forward a copy to the Chief of Police with any comments or notation attached. Selection for MPS Drivers will be in accordance with General Order 1020, Specialized Assignments. MPS Drivers are required to obtain a class B driver's license upon assignment.

Personnel designated to operate the MPS will receive specific instructions for operating equipment in the vehicle.

PUBLIC ACCESS

The general public may enter the MPS during hours of routine operation. Access should be denied during police duties that include the processing or interviewing of arrestees or witnesses, during critical incidents or any other function deemed necessary.

Larry C. Smith
Interim Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4067 R-2**

OFFICER INVOLVED SHOOTINGS & IN-CUSTODY DEATHS

Effective Date: 04/15/2001	Revision Dates: R-1 04/28/2004; **R-2 01/26/2016**

INTRODUCTION

It is the policy of the Durham Police Department to investigate all officer-involved shootings and in-custody deaths. For purposes of this General Order, officer-involved shootings consist of an application of force as defined in General Order 4008 – *Use of Force* which involves the discharge of a firearm. This General Order provides personnel with the protocol to enhance a consistent response and follow up procedure for such events.

RESPONSIBILITY

The Criminal Investigation Division (CID) is responsible for investigating the circumstances surrounding the officer-involved shooting or in-custody death and for bringing subsequent charges against any non-law enforcement suspect(s). .

The Professional Standards Division is responsible for investigating any officer-involved shooting or in-custody death to determine whether departmental policies were followed and to identify any deficiencies or procedures that could be addressed by training.

The State Bureau of Investigation (SBI), when requested by the Chief of Police, Deputy Chief, or Bureau Chief, is responsible for investigating officer's actions related to an officer-involved shooting or in-custody death to determine whether or not the actions of the officer were justified or whether the officer's actions constitute a violation of law. The SBI's findings are reported to the District Attorney. If assistance from the SBI is not requested, or assistance is requested but declined, CID will assume responsibility for this function.

PROCEDURES

An officer shall immediately notify his/her immediate supervisor for all officer-involved shootings and in-custody deaths.

The responding supervisor will:

- Confirm that medical assistance has been summoned and provided as necessary.
- Notify the Uniform Patrol Watch Commander and officer's District/Division Commander of the incident.
- Coordinate the activities of responding back-up units.

- Ensure that the incident scene is protected and all witnesses are separated and, to the extent possible, identified. Witnesses should be requested, but may not be required, to remain at the scene for the purpose of providing statements.
- Have the officer(s) removed from the incident scene as quickly as possible to the Police Department or treatment facility if necessary. An officer should be assigned to stay with the involved officer(s).
- Evaluate whether to take custody of the duty weapon on scene or have the officer retain the duty weapon upon their removal from the incident scene. The designated accompanying officer will be responsible for ensuring chain of custody of the duty weapon. In the event that the officer needs to remove the weapon from their person (e.g. to receive medical attention), the accompanying officer will maintain custody of the holstered weapon until it can be turned over to a supervisor or the Crime Scene Investigator.
- Ensure that all incident reports and supplemental narratives are complete and submitted within three (3) days of the incident unless a greater period of time is authorized by the Chief of Police or his/her designee.

The Watch Commander shall be responsible for notifying the:

- On-call CID Supervisor;
- Executive Officer to the Deputy Chief, who will in turn initiate notification through the chain of command to the Chief of Police;
- Professional Standards Division Commander;
- Public Affairs Unit;
- SBI, if directed to do so by the chain of command.

The on-call CID Supervisor will evaluate the scene and circumstances surrounding the shooting and:

- Notify the homicide unit supervisor and any additional CID investigators needed for an appropriate response to the scene;
- Ensure that the Crime Scene Unit is requested to respond to the scene for processing;
- Designate an investigator to respond to police headquarters to act as a liaison with arriving SBI investigators if assistance with the investigation is being provided by the SBI;
- Meet the responding SBI Supervisor as soon as possible to prioritize and coordinate the investigation.

The Chief, or his/her designee, will notify the District Attorney and City Manager.

Durham Police Department personnel are responsible for the security of the incident/crime scene.

The Durham Police Department's Crime Scene Unit is responsible for processing the incident/crime scene and collecting evidence. SBI personnel may assist the Department's Crime Scene Unit with processing upon request.

THE SBI'S ROLE

If assistance from the SBI is requested, and agreed to be provided, SBI Investigators will respond to Police Headquarters and will conduct their investigation from this base location. SBI personnel may respond to the incident/crime scene to assist the Durham Police Department's Crime Scene Unit.

Interviews of the involved officers by the SBI or others shall occur as soon as practical, considering the need to balance proper investigative follow-up with the medical or psychological needs of the officer(s). Any decision to delay the interviews must be authorized by the Chief of Police or his or her designee.

In order to conduct a thorough and effective investigation, the SBI requests cooperation concerning the following issues:

- The SBI Investigators will usually be the first to interview the primary officer involved in the critical incident and other officers that are directly involved.
- The SBI will need oral statements from the involved officers and witnesses, which the SBI Investigators will request during subsequent interviews.

If time permits, the SBI will be the first to interview involved parties.

The Professional Standards Division will conduct their interviews at a later time, after the SBI/CID has initiated their interviews.

WRITTEN REPORTS

General Order 4008 - *Use of Force* will be adhered to for the completion and submission of reports for all in custody deaths and use of force actions resulting in injury or death.

The assigned CID investigator will use the supplemental narrative submitted by involved officers for their investigation.

Written statements from involved parties are required for the department's Professional Standard's Division and will be completed as directed.

Department employees responsible for investigating either the criminal or administrative investigation will document their investigation in accordance with the appropriate policy or procedure for the given circumstances.

DEPARTMENTAL RESPONSE

The involved officer(s) shall, at the direction of the Chief of Police, be placed on administrative leave or duty with pay pending an administrative review of the incident. The officer will remain on administrative leave or on administrative duty status until such time as determined by the Chief of Police. In shooting incidents involving the officer's primary duty weapon, pending authorization of the Chief of Police or his/her designee, the officer shall be issued a replacement weapon.

Professional Standards is responsible for contacting the appropriate psychological service provider for necessary critical incident responses and after action wellness checks.

An officer involved in a use of force incident that required him or her to discharge a weapon or an in-custody death situation will be required to participate in a after action wellness check.

Other officers who were actively or indirectly involved in the critical incident may be required, by the direction of the Chief, to participate in after action wellness checks.

Each incident will be critiqued at the district or division command level or higher. The documented final critique will be forwarded to the Training Division. The Training Division will assess each incident to

determine if it was consistent with departmental training and will determine what additional training, if any, is required.

Larry C. Smith
Interim Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4068 R-1**

STRIP & BODY CAVITY SEARCHES

Effective Date: 04/15/2001	Revision Dates: **R-1 01/10/2005**

INTRODUCTION

The use of Strip Searches and Body Cavity Searches may, under certain conditions, be necessary to protect the safety of officers, civilians, and other prisoners; and to detect and secure evidence. Such searches shall only be conducted with the proper authority and justification and in accordance with the procedures set forth in this General Order.

DEFINITIONS

Strip Search – Any search of an individual requiring the removal of all clothing to permit the visual inspection of skin surfaces including the genital area.

Body Cavity Search – Any search involving not only the visual inspection of the skin surfaces but also the internal physical examination of body cavities, such as the rectal and vaginal cavities.

STRIP SEARCHES

Strip searches may only be conducted when:

- The officer has a search warrant for the person to be strip searched; (or)
- The person is under arrest (pursuant to the conditions noted below); (or)
- The person consents to be strip-searched.

All strip searches will be performed by an officer that is of the same sex as the person to be searched and with a supervisor's approval. Care should be taken to ensure the privacy of the person to be searched.

Persons arrested for traffic violations or other minor offenses of a non-violent nature shall not be subject to strip searches unless the arresting officer has articulable and reasonable suspicion to believe that the subject is concealing contraband, evidence, or weapons.

Field strip searches may be conducted only under exigent circumstances if the life of officers or others may be placed at risk. Such searches must be authorized by a supervisor and must assure the basic privacy of the person being searched.

BODY CAVITY SEARCHES

Body cavity searches will only be conducted if the officer has probable cause to believe that the person is concealing a weapon or evidence of a crime in a body cavity.

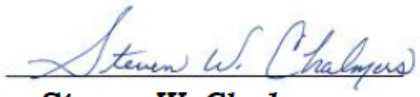
The following procedures must be followed to conduct a body cavity search:

- The officer will consult with his/her immediate supervisor to determine if probable cause exists to seek a search warrant for a body cavity search.
- A search warrant that specifically orders a body cavity search must be obtained prior to the search. The only exception would be a consent search to be performed by medical personnel. A consent search must be carefully documented.
- A body cavity search pursuant to a search warrant must be conducted by a physician, or other medically trained personnel under the direction of a physician. An officer of the same sex as the person being searched will be present when the search is conducted.
- Body cavity searches shall be performed with due recognition of privacy and hygienic concerns.
- The authorized medical personnel conducting the search will furnish a copy of their report to the police officer serving the search warrant.

REPORTING REQUIREMENTS

Any officer conducting a strip search and/or a body cavity search must complete an incident report and any other relevant report(s).

See also: GO 4003 and 4004.



Steven W. Chalmers
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4069 R-2**

RESPONSE TO ACTIVE SHOOTERS

Effective Date: 09/01/2002	Revision Dates: R-1 01/10/2005; **R-2 11/30/2011**

INTRODUCTION

It is the policy of the Durham Police Department to protect life by any legal means possible. Officers responding to an active shooter incident shall accomplish this goal by immediately using any legal means at their disposal to make contact with the active shooter and neutralize the threat. This may include arrest, containment, or use of deadly force.

The philosophy driving this policy recognizes that the active shooter must be stopped before they can destroy any more innocent lives. The prioritization of activities for the initial responding officers is:

1. Stop the active shooter;
2. Rescue the victims;
3. Provide medical assistance; and
4. Preserve the crime scene.

DEFINITIONS

Active Shooter- one or more subjects who participate in a random or systematic shooting spree, demonstrating intent to continuously harm others rather than commit other criminal conduct such as robbery, hostage - taking, etc.

The term active shooter will also include anyone who uses any other deadly weapon (knife, club, bow & arrow, explosives, etc.) to systematically or randomly inflict death or bodily harm.

Rapid Deployment- the swift and immediate deployment of law enforcement resources to ongoing, life threatening situations where delayed deployment could otherwise result in death or great bodily injury to innocent persons.

Rolling “T” Formation- consists of at least four officers with point, left and right wing, and a rear guard in a “T”-shaped formation.

Diamond Formation- consists of at least four officers with point, left and right wing, and a rear guard in a diamond-shaped formation.

The point officer is responsible for security. He or she will direct the team’s movement through intersections and around corners.

The wing officers will protect the point officer when passing opened/closed doors or unsecured areas. The wing officers handle any suspect or civilian contact using the two–person cover and contact principles.

The rear guard provides rear security for the formation and is the communications relay for the formation.

PROCEDURES

There are three basic situations that may necessitate an immediate deployment.

- Active shooter in a school, or occupied building or space.
- Hostage rescue
- Injured officer/civilian rescue

The Rapid Deployment technique will complement the standard school response of a “lockdown”. All classroom/building doors should be closed and locked. Displayed on the door, or on the floor in front of the door, should be a red placard to indicate a location with injured occupants or a green placard, representing a safe room that is occupied. Unless the suspect is seen upon arrival, the initial responding officer will report to the main office area and establish that as the inner perimeter command post. If the office is compromised, then the first responding officer should establish the inner perimeter command post at a safe location determined by that officer. All other responding officers will report to the command post until otherwise instructed. The school principal, building manager, or designated authorized personnel of the location, should provide information on the active shooter that the initial responding officer will relay to the Durham Emergency Communications Center.

CONTACT TEAM

The first four responding officers, which should include the school’s Resource Officer if on the scene, will form the Contact Team and go in immediate pursuit of the active shooter. The Contact Team will utilize the Rolling “T” Formation. The focus is to make contact as soon as possible with the active shooter and to stop him or her by arrest, containment, or use of deadly force. The Contact Team will continue in this pursuit, disregarding victims or harmless distractions. The location of the victims will be relayed to the Rescue Team.

Once a Contact Team enters a building, they will continue to move until the threat is located. If no shots are heard, they will move to the last known location of the active shooter. If an initial sweep does not locate or flush out the suspect, the Contact Team will conduct searches of unsecured common areas such as bathrooms, locker rooms, etc.

RESCUE TEAM

The second set of up to four officers arriving on the scene will form a Rescue Team, which will locate and remove injured victims, and direct uninjured victims out of the building. They will also clear all rooms that do not display a red or green placard. Unless escorting emergency responders, the Rescue Team will utilize the Rolling “T” Formation to move to the victims. If the Rescue Team is escorting emergency responders to the victims then they will utilize the Diamond Formation. The team will then use the Diamond Formation to remove the victims. Rescue Team members should remember that uninjured victims may be in shock or paralyzed with fear, and not respond to regular verbal commands. Rescue Team members are to remain constantly vigilant as the rapidly changing dynamics of the incident may put them in contact with the suspect. This will change the Team’s role to that of the Contact Team.

If a S.E.T. member is on either the Contact Team or the Rescue Team, he or she will assume the role of the team leader.

PERIMETER TEAM

The Perimeter Team involves multiple officers and does not need to be formed until the Contact and Rescue Teams have been formed. Two perimeters need to be set up, an inner and outer. Officers on the inner perimeter should go to established rally points around the location, protect any fleeing individuals, and apprehend the suspect(s) if he or she tries to escape. The outer perimeter officers should control traffic and cut off all roadway entrances to the school or building. No one but emergency responders should be allowed to enter the outer perimeter. Others, such as the press and family members, should be directed to a designated safe location outside the perimeter.

EVACUATION TEAM

The Evacuation Team will involve multiple officers and medical personnel. They are responsible for the controlled removal of innocent parties from the school when the suspect or suspects are contained or eliminated and a safety sweep has been conducted.

If either team encounters a suspected explosive device, they must use their own judgment reference to posting an officer near it, reporting it, marking and bypassing it.

INCIDENT COMMAND

The first supervisor on the scene, who is not part of a Contact or Rescue Team, will respond to the inner perimeter command post, initiate the Incident Command System and establish the location of the outer perimeter command post.

All personnel are to restrict their use of the radio for emergency traffic only.

If the suspect(s) is arrested or incapacitated, regular procedure will be followed regarding the investigation and evidence preservation.

If the Contact Team confines the suspect(s), and there is no longer an active shooter situation, S.E.T. members will relieve the contact team and negotiators will be used to try and affect the surrender of the suspect(s). The Department’s policy regarding Hostages and/or Barricaded Suspects (see General Order 4030) will be followed.

EQUIPMENT

The standard issued equipment for all officers will be used for active shooter incidents. However, the use of the patrol shotguns is not recommended for the initial officers responding as the Contact Team. Safe entry and successful contact is best served by the use of the duty handgun and/or Patrol Rifle.

The Patrol Sharpshooters have been issued semi-automatic .223 caliber rifles. The Patrol Sharpshooters and their rifles may be used on the Contact and Rescue Teams as well as being utilized in positions along the inner perimeter. A Patrol Sharpshooter utilizing his rifle on a Contact or Rescue Team must have the rifle equipped with a sling.

TRAINING

In preparation for an active shooter incident, all officers shall be trained on the following:

- Room entry techniques;
- Building clearing techniques;
- Victim rescue techniques; and
- Recognition of explosives.

PSYCHOLOGICAL FOLLOW-UP

An officer involved in a situation that required him or her to discharge his or her weapon or in which his or her actions resulted in death or serious injury will be required to participate in post-shooting psychological services. (See General Order 4067) Counseling services will be made available to any officers requesting assistance.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4070 R-4**

DISTRICT ATTORNEY SCREENING PACKAGE

Effective Date: 07/25/2003	Revision Dates: R-1 08/31/2004; R-2 02/01/2006; R-3 06/06/2011; **R-4 11/30/2011**

INTRODUCTION

The Durham Police Department will provide screening packages to the District Attorney's office for all felony, DWI, and domestic violence cases to aid with criminal prosecution. The following terms are defined for the purposes of this General Order:

District Attorney (DA) Screening Package – A collection of reports and other documents that are collected by members of the Department and presented to the DA's Office to assist them in understanding and prosecuting the case.

Case File - Includes the defendant's statements, the codefendants' statements, witness statements, patrol officer's notes, investigating officers' notes, results of tests and examinations, or any other matter or evidence obtained during the investigation of the offenses alleged to have been committed by the defendant. Oral statements must be in written or recorded form.

SUBMISSION OF CASE FILE

All original reports, notes, forms, statements, and other case file paperwork, not submitted to evidence, must be submitted to the Records unit within 72 hours of creating/receiving the paperwork for placement in the Department case file.

FELONY SCREENING

Whenever a member of the Department charges any person with any felony crime, a Felony Screening Package shall be completed and submitted to the DA's Office.

Content of Felony Screening Packages

All Felony Screening Packages shall contain all available items from the following list:

- The DA Screening Package Checklist (DASPC) (Attachment 1);
- All officer's notes;
- A copy of the Incident Report(s);
- A copy of the Arrest Report(s);
- A copy of the Property Report(s);

- A copy of the charging document(s) (warrant, order for arrest, magistrate's order, etc.);
- A copy of any test result(s);
- The names and addresses of any victims, witnesses, or owners of related stolen property;
- A copy of any school principal notification form;
- A statement regarding any gang affiliation of the suspect and any related victims with gang connections;
- An NCIC Computerized Criminal History check of the suspect; and
- Any other available information or documents that would assist the DA's Office in understanding or prosecuting the case.

Procedure for Felony Screening Packages

Officers must save and maintain all information relating to a felony case, including, but not limited to, handwritten notes, emails and correspondence. Officers are specifically prohibited from destroying any notes regarding a felony case.

Officers will send the original copy of any notes to the officer in charge of the case as soon as possible and must maintain a copy of the notes. Failure to submit all discoverable material to the lead investigator and/or the DA's office as required by this General Order may result in sanctions by the court and/or disciplinary actions by the Durham Police Department.

Officers in charge of the case must ensure that any information regarding the felony case has been gathered for inclusion in the case file even if the information was generated by another unit of the Department. This includes, but is not limited to, 911 recordings, calls for service, supplemental reports, APB information, and patrol officer notes.

Officers are required to use the DASPC form for all felony cases presented to the DA's Office.

One DASPC form should be completed for each incident with all defendants included on that form with attachments as necessary.

Officers should check the appropriate boxes on the DASPC for materials provided and include the number of pages for all documents.

Officers who request the DA/ADA to seek an ex parte protective order should note this on the second page of the DASPC and maintain the protected information rather than provide it to the DA's Office.

The officer will sign the DASPC after completing it.

The DASPC must be reviewed by the appropriate supervising officer who will sign and date the form.

The DASPC and accompanying packet must be presented, by the officer or Court Liaison, to the DA/ADA who will sign and date the form indicating the materials were delivered to the DA's Office.

The officer completing the packet must maintain a copy of the complete packet. The original DASPC reflecting the DA/ ADA's signature will be maintained by the Court Liaison Officer.

DWI SCREENING

Whenever a member of the Department charges any person with any implied consent offense under N.C.G.S. § 20-138.1 through 20-138.3, a DWI Screening Package shall be completed and submitted to the DA's Office.

In addition, all officers who arrest a suspect for any implied consent offense shall properly complete a DMV DL-49 form and turn it in to Records along with their report so that a certified copy of the suspect's driving history may be obtained from the DMV. DMV will return this information to the Court Liaison, who will make this information available to the court during any proceedings involving the violation(s) charged. The words "DL-49" should be printed on the citation before it is turned in so that the Court Liaison knows this process has been completed.

Contents of DWI Screening Packages

All DWI Screening Packages shall contain all applicable items of the following list:

- A copy of the DWI Screening Form;
- A copy of the Incident Report(s);
- A copy of the Arrest Report(s);
- A copy of the Property Report(s);
- A copy of the Accident Report(s);
- A copy of the charging document(s) (warrant, citation, etc.);
- A copy of any statements made by any victims, witnesses, or suspects, to include a copy of any rights waiver forms used;
- The names and addresses of any victims, witnesses, or owners of damaged property;
- An NCIC Computerized Criminal History check of the suspect; and
- Any other available information or documents that would assist the DA's Office in understanding or prosecuting the case.

DOMESTIC VIOLENCE SCREENING

Whenever a member of the Department charges any person with any domestic violence offense as defined in General Order 4046, a DV Screening Package shall be completed and submitted to the DA's Office.

Contents of Domestic Violence Screening Packages

All DV Screening Packages shall contain all applicable items of the following list:

- A copy of the Incident Report(s);
- A copy of the Arrest Report(s);
- A copy of the Supplemental Domestic Violence Form(s);
- A copy of the Property Report(s);
- A copy of the charging document(s) (warrant, order for arrest, magistrate's order, etc.);
- A copy of any statements made by any victims, witnesses, or suspects, to include a copy of any rights waiver forms used;

- A copy of any available photographs of the victim; and
- Any other available information or documents that would assist the DA's Office in understanding or prosecuting the case.

RESPONSIBILITY FOR DA SCREENING PACKAGES

While it is noted that in many cases a felony, DWI, or domestic violence arrest is the result of the collaborative efforts of several officers, the officer who is listed on the charging document as the complainant or the charging officer is ultimately responsible for seeing that the DA Screening Package is properly completed and submitted.

SUBMISSION OF DA SCREENING PACKAGES

DA Screening Packages shall be placed in an envelope with the following information written on the outside:

- Defendant(s) Name;
- Charge(s);
- IR Number(s)
- Charging Officer's Name and Agency; and
- Date of Charge.

DA Screening Packages shall be completed and submitted within 72 hours of the suspect being charged; regardless if the suspect is actually arrested at the time the charge is taken out. For example, if on a particular day, an officer obtains warrants or an indictment charging a suspect with a felony, DWI, or domestic violence offense, then the DA Screening Package for this offense(s) must be completed and submitted within 72 hours of obtaining the warrant or indictment.

All DA Screening Packages will be delivered to the District Attorney's Office before the suspect has his or her first appearance in court, so the DA's Office can make any appropriate motions regarding the suspect's conditions of release.

DA Screening Packages may be submitted either by the officer delivering them directly to the District Attorney's Office or by placing them in the Court Liaison Officer's mailbox in the Department mailroom. The Court Liaison Officer shall then be responsible for delivering them to the District Attorney's Office. The officer who delivers the DA Screening Package to the DA's Office will be responsible for obtaining a signature from the DA/ADA indicating the materials were delivered.

Any officer, who charges a suspect with a felony, DWI, or domestic violence crime in another jurisdiction, such as due to a mutual aid or task force situation, shall still comply with this General Order unless he or she is directed to do otherwise by the prosecuting attorney that is handling the case. In this case, the officer shall follow the rules pertaining to the jurisdiction where the charge was taken out, and shall be responsible for personally delivering any DA Screening materials to the appropriate prosecuting attorney's office.

CONTINUING DUTY TO PROVIDE INFORMATION

The officer in charge of the case is responsible for continuing to locate and maintain additional documents or information in the case file after the initial package to the District Attorney's Office.

Upon the request of the DA/ADA, the officer in charge of the case shall copy and deliver the complete file to the DA/ADA to facilitate compliance with the criminal discovery statutes.

The officer will use the DASPC for proof of delivery to the DA's Office when additional information is provided.

The officer will note on the subsequent DASPC by handwriting "Additional Information" at the top of the form and include the date on which it was provided.

The procedure for completing and reviewing additional package materials will be the same as for the original package and include the officer's signature, supervising officer's signature, and DA/ADA's signature.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4071 R-1**

GRIP PACKAGES

Effective Date: 07/25/2003	Revision Dates: **R-1 11/22/2006**

INTRODUCTION

The Durham Police Department has determined that the interests of justice are served by getting firearms out of the hands of criminals. To that end, the Department has joined forces with the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives to create the Gun Reduction and Interdiction Program (GRIP).

REQUIREMENTS WHEN SEIZING WEAPONS

Any Department officer who comes into possession of a firearm in the course of his or her duties is required to complete a GRIP package. The completed GRIP package should be logged in with the Desk officer and placed in the GRIP box. This requirement is to be followed regardless of the status of the firearm (i.e. recovered stolen, evidence, found property) or how the officer came into possession of it.

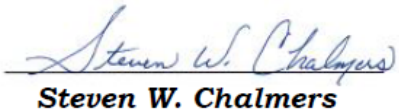
The following items, when completed, constitute a GRIP package:

- A properly completed Intelligence Submission Form (Attachment 1);
- An NCIC Computerized Criminal History check of the suspect;
- Copies of any local criminal history information;
- A copy of any Departmental Reports associated with the seizure of the firearm, to include:
  - Arrest;
  - Vehicle;
  - Property;
  - Incident; and
  - Supplemental;
- For all firearms that can be processed through the Integrated Ballistics Identification System (IBIS), include a copy of the SBI-5 that shall be turned in to the Property and Evidence Unit with the firearm. For IBIS submission requirements, and a description of all firearms that are eligible for IBIS testing, refer to General Order 4058;
- A properly completed US ATF Trace form. (National Tracing Center Trace Request);
- Copies of any warrants or other charging documents;
- A GRIP Operational Checklist (Attachment 2), signed by the officer's supervisor;
- A Gun Questionnaire (Attachment 3);
- A Gang Questionnaire (Attachment 4); and

- Any additional documents the officer believes may assist the Criminal Intelligence officer.

REPORTING OF FIREARMS RELATED ARRESTS

In any case where an arrest is made in relation to a firearm, an Incident Report (Code 1) shall be completed, in addition to the required GRIP package. This is to be followed regardless of the suspect's actual involvement with the firearm, and whether the arrest is for a misdemeanor or a felony.



Steven W. Chalmers
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4072 R-1**

SEIZURE OF COMPUTER EQUIPMENT

Effective Date: 07/25/2003	Revision Dates: **R-1 12/05/2003**

INTRODUCTION

The purpose of this general order is to develop a basic understanding of key technical and legal factors regarding searching and seizing electronic storage devices and media.

SCOPE OF THE PROBLEM

As computers and related storage and communication devices proliferate in our society, so does the use of those devices in conducting criminal activities. Technology is employed by criminals as a means of communication, a tool for theft and extortion, and a repository to hide incriminating evidence or contraband materials. Law enforcement officers must possess up-to-date knowledge and equipment to effectively investigate today's criminal activity. The law enforcement community is challenged by the task of identifying, investigating and prosecuting individuals and organizations that use these and other emerging technologies to support their illicit operations.

RECOGNIZING POTENTIAL EVIDENCE

Computers and digital media are increasingly involved in unlawful activities. The computer may be contraband, fruits of the crime, a tool of the offense, or a storage container holding evidence of the offense. Investigation of any criminal activity may produce electronic evidence. Computers and related evidence may include:

- Mainframe computer (room-sized computer)
- Minicomputer (AS/400, etc.)
- Microcomputer (desktop PC, laptop, notebook, Mac, etc.)
- Microcomputer peripheral devices (scanners, external disk drives, etc.)
- Personal data assistant ("PDAs" - Palm Pilot, etc.)
- Cellular telephones and pagers (with or without PDA-type features)
- Digital cameras, portable audio players, digital recorders
- Floppy diskettes, hard drives, CD-ROMs, DVDs, ZIP disks, etc. (magnetic or optical media)
- Static RAM devices (USB "Jumpdrives," memory sticks, compact flash drives, etc. – these may be contained in other devices, such as digital cameras or PDAs, or may be stand-alone.)

- Fax machines; pagers; telephones with memories etc.

Note that this list of devices and media is by no means exhaustive. Every day, new products are coming out that have capabilities to capture and store data that can become evidence.

Images, audio, text and other data on these devices and media are easily altered or destroyed. It is imperative that law enforcement officers recognize, protect, seize and search such devices in accordance with applicable statutes, policies and best practices and guidelines.

Answers to the following questions will better determine the role of the computer in the crime:

- Is the computer contraband or fruits of a crime? For example, was the computer software or hardware stolen?
- Is the computer system a tool of the offense? For example, was the system actively used by the defendant to commit the offense? Were fake IDs or other counterfeit documents prepared using the computer, scanner, and color printer?
- Is the computer system incidental to the offense, i.e., being used to store evidence of the offense? For example, is a drug dealer maintaining his trafficking records in his computer?
- Is the computer system both instrumental to the offense and a storage device for evidence? For example, did the computer hacker use her computer to attack other systems and also use it to store stolen credit card information?

Once the computer's role is understood, the following essential questions should be answered:

- Is there probable cause to seize hardware?
- Is there probable cause to seize software?
- Is there probable cause to seize data?
- Where will this search be conducted?
- If law enforcement officers remove the system from the premises to conduct the search, must they return the computer system, or copies of the seized data, to its owner/user before trial?

PREPARING FOR THE SEARCH AND/OR SEIZURE

Using evidence obtained from a computer in a legal proceeding requires:

- Probable cause for issuance of a warrant or an exception to the warrant requirement.

  Caution: If you encounter potential evidence that may be outside the scope of your existing warrant or legal authority, contact the Police Attorneys' Office, as an additional warrant may be necessary.
- Use of appropriate collection techniques so as not to alter or destroy evidence.
- Forensic examination of the system completed by trained personnel in a speedy fashion, with expert testimony available at trial.

CONDUCTING THE SEARCH AND/OR SEIZURE

Once the computer's role is understood, and all legal requirements are fulfilled:

- Secure The Scene:
  - Officer safety is paramount.

    - Preserve area for potential fingerprints.
    - Immediately restrict access to computer(s). Do not let any suspects or other unauthorized people touch any of the equipment for any reason. Do not follow any advice from the suspect on how to deal with the equipment.
    - Isolate from telephone lines, and wired or wireless network connections. (Because data on the computer can be accessed remotely.)

- If the computer is "OFF," DO NOT TURN IT "ON." Be aware that some laptop computers will power on when the lid is opened.

- Consult the EIS Computer Forensic Specialist or a Computer Specialist from the SBI.

If at all possible, officers seizing computer equipment should have the EIS Computer Forensic Specialist or a Computer Specialist from the SBI on site. If a Specialist is not available, and it is imperative to seize the computer equipment immediately, the following procedures shall be followed:

- Make sure that an officer is detailed to take detailed notes about each step taken during the seizure of the equipment. Videotaping the seizure is another good way to document this.

- If the computer is on, these additional steps must be completed:
    - Do not touch the mouse or keyboard.
    - Photograph the screen.
    - Disconnect all power sources by unplugging them directly from the back of the computer. (This is to prevent an uninterruptible power supply from activating and possibly causing loss of evidence. Also, this will preserve any temporary files, which may be the only evidence that can be obtained from a crafty offender's computer.)
    - Allow the equipment to cool down before removing it.

- Photograph and/or diagram and label back of computer components with existing connections.

- Record serial numbers on all pieces of equipment that have them.

- Search the area for any documents, including sticky notes, etc, that may contain passwords, web addresses, or IP addresses. (Note: An IP (internet protocol) address will likely look like 192.168.1.1 or something similar.)

- Consider asking the owner or user for any passwords for the computer equipment, or for websites, etc.

- Place evidence tape over:
    - The slot of every disk drive, CD-ROM drive, DVD drive, ZIP drive, or other media opening; and
    - The power connector on the computer.

- Laptop computers should have their battery removed, if possible.

- Label all connectors/cable ends to allow reassembly as needed. This would mean that if a plug goes in a socket, they should both be labeled with a numbered piece of tape, so that the computer can be hooked up exactly as it was when it was seized. (i.e. label the first cord and socket 1, the next cord and socket 2, etc.)

- Package components and transport /store components as if they are fragile cargo.

- Keep all computer equipment away from magnets, radio transmitters, and otherwise hostile environments. The best place to transport a computer in a police car is to place it on the back seat floorboard.

- The following items will need to be seized in most instances of seizing a microcomputer:

- CPU box (Main box)
- Monitor
- Keyboard
- Mouse
- All wires, cords, and cables
- All external devices, such as modems, drives, etc.
- “Dongles,” which are small devices normally plugged in to a printer (LPT or parallel) port.
- External power supplies for all above items
- Magnetic or optical media (Disks, CD-ROMs, DVDs, etc.)
- Manuals (especially for any unusual equipment)
- Circuit boards
- Paper or documents with passwords, usernames, web sites, IP addresses, or similar items on them.
- Anything else that may be legally seized and appears to be necessary for the case.

BUSINESS COMPUTERS

Consult the EIS Computer Forensic Specialist or a Computer Specialist from the SBI for further assistance.

- Pulling the plug could:
  - Severely damage the system
  - Disrupt legitimate business
  - Create officer and department liability

Steven W. Chalmers

Steven W. Chalmers
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4073 R-3**

UNDOCUMENTED PERSONS

Effective Date: 11/18/2003	Revision Dates: R-1 10/12/2015; R-2 12/01/2015; **R-3 05/16/2016**

INTRODUCTION

Durham Police Department recognizes and values the diversity of the community that we serve. Accordingly, the Department will act to ensure the safety and well-being of all persons within its jurisdiction, regardless of their immigration status.

DEFINITIONS

Alien - Any person not a citizen or national of the United States.

Undocumented Person – any person who does not possess the requisite authorization to remain legally in the United States.

Deportable Alien - An alien in and admitted to the United States who is subject to any grounds of removal specified in the Immigration and Nationality Act. This includes any alien illegally in the United States, regardless of whether the alien entered the country by fraud or misrepresentation or entered legally but subsequently violated the terms of his or her nonimmigrant classification or status.

Permanent Resident Alien - an alien admitted to the United States as a lawful permanent resident. Permanent residents are also commonly referred to as immigrants. They still hold passports from their country of origin, unless they have applied for and completed the naturalization process.

"Green Card" – slang for a permanent resident alien identification card. At one time the ID card was green in color.

ENFORCEMENT PRIORITIES

The primary responsibility for the prioritization and enforcement of f**EDERAL IMMIGRATION LAW** rests with the Department of Homeland Security (DHS). Durham Police officers will primarily focus on detecting and apprehending individuals involved in violations of criminal law regardless of the documentation status of the suspect(s).

IDENTIFICATION PROCEDURES DURING STOPS AND CALLS

Assuming an individual's documentation status based solely on an individual's appearance and language is obviously unreliable. Many naturalized citizens, permanent resident aliens and, other legally documented

foreigners are offended by the implication that they may be non-citizens or deportable aliens. Officers should refrain from explicitly requesting a "Green Card" or other identification document that assumes that the subject is a non-citizen of the United States. Officers should request common identification such as an Operator's License or State identification card. If such identification is not forthcoming, or if the subject appears confused or is having difficulty communicating, then request a passport, visa or refer to "positive identification" which would document the true name and birth date of the bearer.

The following are not acceptable for use in determining a person's actual identity or residence:

- a matricula consular or other similar document (other than a passport);
- an identity document created or issued by a person, organization, or local authority unless expressly authorized by the General Assembly for purposes of identification, or the document is the only document available at the time of inquiry providing an indication of identification or residency.

ARREST OR DETAINMENT OF UNDOCUMENTED PERSONS

If, upon investigation, probable cause to arrest exists, officers may arrest for an offense, using discretionary guidelines set forth in G.O. 1005 - *Exercise of Authority and Discretion*. Verifying the undocumented status of any person and processing prisoners appropriately will be the responsibility of the detention facility. Officers are required to make the appropriate consular notifications for arrested foreign nationals regardless of the arrestee's documentation status. Refer to G.O. 4011 – *Special Processing Requirements.*

This section shall not preclude the arrest or detention of a person who is wanted by DHS or another appropriate agency due to immigration violations or other similar charges.

UNDOCUMENTED VICTIMS OF CRIME

Undocumented victims of crime will be treated in a manner consistent with all Department investigative and follow-up policies & procedures. The Department maintains a DHS liaison officer in the Special Operations Division who should be contacted for cases that may involve human trafficking or other crimes targeting undocumented persons. Undocumented victims of crime have the ability to apply for a U-Visa. Applications will be reviewed and approved in accordance with G.O. 4082 – *U-Visas*.

Larry C. Smith
Interim Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4074 R-3**

BIAS BASED POLICING

Effective Date: 04/28/2004	Revision Dates: R-1 06/06/2011; R-2 09/28/2011; **R-3 01/06/2015**

INTRODUCTION

The Durham Police Department will be fair and impartial in law enforcement practices. The Department recognizes that the use of stereotypes is inconsistent with effective policing and that the mere appearance of such is harmful to both this Department and the community we serve. Strict adherence to this policy is meant to both assure the public that provided services and enforcement activities are fair and equitable and department personnel are protected from unwarranted accusations.

Officers of the Durham Police Department shall treat all people with whom they have contact equally and without regard to their race, gender, ethnicity, religion, age, citizenship, sexual orientation, political persuasion or any other stereotype. No stereotype shall be the motivation for the decision to initiate any police activity. Such activity constitutes bias based profiling and is expressly prohibited.

DEFINITIONS

Bias-Based Generalizations – Broad, stereotypical conclusions about a person based on race, ethnicity, national origin, religion, age, gender, gender identity, or sexual orientation.

Bias-Based Profiling - Basing law enforcement and/or investigative actions and decision on bias based generalizations of a person.

Investigative Contact – Initiation of contact with a person where, based on the actions and behavior of the individual, an officer has identified reasonable articulable suspicions that the person has just, is in the process of, or is about to violate a law or ordinance.

Discrimination – A practice of unjust/prejudicial treatment of a person or group of people because of their race, gender, or any other bias-based generalizations.

GUIDELINES

Officers may not engage in bias-based profiling when establishing either reasonable suspicion or probable cause or as a motivation for field contacts and/or consent searches.

Members may use race or other descriptive characteristics to determine whether a person matches a specific description of a particular suspect when initiating an investigative contact if the description provided is credible and geographically relevant to specific circumstances. To be geographically relevant, a person matching a specific description of a particular subject must be stopped at a location that is a reasonable distance from an

incident location. A reasonable distance is dependent on multiple factors included, vehicular travel v. pedestrian travel, terrain, traffic, crowd conditions, etc.

Sworn officers will base their decision to stop, detain, question, further investigate, search, warn or arrest an individual on investigative facts and/or the behavior of the individual as it pertains to the development of reasonable suspicion and probable cause.

Members will treat all people contacted with the respect and dignity. Members will refrain from using language and terms regarding bias-based generalizations

When conducting pedestrian and vehicle stops, officers will conduct themselves in a manner that discourages inappropriate perceptions of bias-based law enforcement practices by:

- Using language and behavior that is professional and complies with all Department rules and regulations regarding citizen's contacts;
- Explaining the reason for the stop or investigative contact as soon as is practical, unless providing such information will compromise the safety of officers or other persons;
- Limiting the length of any detention to no longer than necessary to take the appropriate action for the situation;
- Documenting all enforcement action and investigative contacts on the appropriate Department form (e.g. incident report, supplemental report, field contact form, intelligence submission, etc.).

Members will report all infractions by co-workers to their supervisor immediately. If the supervisor is the subject of the infraction, going directly to the next level is permitted.

Supervisors shall record and notify their chain of command and the Professional Standards Division of any reports or infractions related to bias-based profiling or other forms of discrimination.

TRAINING

The Training Division will provide training to recruits and annual in-service training to all officers in order to make sure that they understand and comply with this General Order.

ANNUAL REVIEW

The Professional Standards Division will conduct a documented annual review of agency practices to ensure compliance with this policy including any community concerns that have arisen that year. The review will determine whether patterns exist within the agency and whether possible additional training may be necessary.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4075**

TIRE DEFLATION DEVICES - RESCINDED

Effective Date: 01/10/2005	Revision Dates: **Rescinded 04/20/2015**

On April 20, 2015 this general order was rescinded.

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4076 R-1**

TRANSGENDER INTERACTIONS

Effective Date: 07/29/2016	Revision Dates: R-1 01/09/2017

INTRODUCTION

The Durham Police Department is committed to working with the diverse community it serves. This general order establishes guidelines and operating procedures for members to adhere to when interacting with transgender, intersex and gender nonconforming individuals. Members of the Durham Police Department will exhibit professionalism and courtesy during all interactions with the public and fellow employees, including transgender, intersex and gender nonconforming individuals.

DEFINITIONS

For the purpose of this policy, the following definitions apply:

Designated Sex/Sex Assigned at Birth – An individual's sex (male or female) determined at birth based upon the individual's genitalia, reproductive organs and/or chromosomes and designated on the individual's birth certificate.

Gender expression –An individual's public manifestation of being male or female through external characteristics and behaviors, such as clothing, haircut, body characteristics, and voice/speech patterns. "Gender expression" is determined by using stereotypical notions of what it means to appear as a man, a woman, masculine and feminine. Typically, transgender people seek to make their gender expression match their gender identity, rather than matching their sex assigned at birth.

Gender identity –An individual's innate, deeply felt psychological identification as being a man or a woman, which may or may not correspond to the sex assigned to the individual at birth (as listed on the individual's birth certificate).

Gender nonconforming – A description meaning that an individual's gender expression is different from the stereotyped expectations of how the individual should look or act based upon the individual's sex assigned at birth.

Intersex – A general term used to describe a variety of conditions in which a person is born with a variation of sex characteristics, including chromosomes, reproductive anatomy and/or genitals, and therefore cannot be distinctly identified as male or female. For example, a person may be born with genitalia that appear female, but with internal anatomy that is predominantly male. Being intersex is different from being transgender; the term "intersex" is not synonymous with the term "transgender".

LGBT – An acronym for "lesbian, gay, bisexual and transgender".

Non-binary – an umbrella term for people who do not identify strictly as male or female. Non-binary individuals may identify as both male and female or neither male nor female.

Transgender – An umbrella term for people whose gender identity differs from their sex assigned at birth. The term includes transsexuals, cross-dressers and many gender nonconforming individuals. Not everyone whose appearance or behavior is gender nonconforming will identify as transgender.

GENERAL TREATMENT & VERBAL COMMUNICATION

Employees shall not refer to or address any person in a derogatory manner because of their gender identity or gender expression. Members shall abide by all City of Durham and Durham Police Department policies regarding nondiscriminatory and respectful treatment of others when interacting with transgender, intersex and gender nonconforming individuals.

Employees will treat transgender, intersex and gender nonconforming individuals in a manner appropriate to the individual's gender identity, which may be different from the sex that the individual was assigned at birth or listed on their official government-issued identification.

Employees should use pronouns that match the gender identity of the individual during their communications.

When requested, employees should address transgender, intersex, and gender nonconforming individuals by their chosen name and pronoun rather than the name which is on their government-issued identification.

Members shall provide an individual's transgender, intersex and gender nonconforming information to other law enforcement officers and criminal justice personnel as reasonably necessary to ensure continuity of appropriate treatment. Members shall not disclose an individual's transgender, intersex or gender nonconforming information to other persons unless necessary for legitimate law enforcement functions or as otherwise required by law.

DETERMINING AN INDIVIDUAL'S GENDER IDENTITY

Employees may make an initial assumption about an individual's gender identity based upon the individual's gender expression to include general appearance, clothing, body characteristics, behavior, voice and hair cut/style.

Regardless of the individual's public appearance, employees should classify an individual's gender identity in accordance with statements or requests made by the individual, such as, if the individual asks the employee to use different pronouns. Members shall respect an individual's expressed gender identity and not question it. If an individual's gender identity is unclear to a member, the member may, in a respectful manner, inquire as to how the individual wishes to be addressed and the individual's preferred name.

SEARCH AND TRANSPORTATION

A frisk or search shall not be performed for the sole purpose of determining an individual's anatomical gender.

Transgender, intersex and gender nonconforming individuals shall not be subject to more invasive frisk or search procedures than non-transgender individuals.

Employees conducting any level of search or transporting of a transgender, intersex or gender nonconforming individual shall interact with and apply the appropriate departmental procedures based upon the individual's gender identity, unless the individual has expressed a different preference. Absent exigent circumstances, when

departmental policy indicates a preference or requirement that a frisk/search or transport be conducted by an officer of the "same sex" as the individual to be frisked/searched or transported, an officer shall ask the individual if there is a preference for the function to be performed by male or female officers. If the request can be reasonably accommodated without undue delay, the request shall be granted.

Removal of items related to the gender identity of a transgender, intersex, or gender nonconforming individual (such as prosthetics, clothing and wigs) shall only be performed as needed for compliance with established departmental policies and procedures regarding searches, arrestees, transport and processing of arrestees, and for the other reasonable reasons. The manner of removal shall comply with departmental policies and procedures, and shall be consistent with the removal of similar items from individuals who are not transgender, intersex or gender nonconforming.

Where the purpose(s) for removing items are satisfied by temporary removal, the individual shall be permitted to wear the removed items if/when all applicable policies and procedures are complete, and reasonable safety concerns are resolved.

Where permanent removal is required (e.g. item is evidence), the handling and storage of the removed items shall be consistent with the handling and storage of similar items pursuant to department policy and procedure.

When transporting a transgender, intersex or gender nonconforming individual to a detention facility, officers will notify the receiving officer that the prisoner has notified them of their transgender, intersex or gender nonconforming status. This notification will be documented in the appropriate report form by the transporting officer.

GENDER CLASSIFICATION ON DEPARTMENT DOCUMENTS

Employees preparing or completing a written document regarding a transgender, intersex or gender nonconforming arrestee, victim, witness, reporting party or any other individual shall classify the individual's sex on the document as the individual's sex listed on their official government-issued identification.

In the event that the individual does not have their official identification (e.g. driver's license, state ID, passport, etc.) in their possession, employees should ask the individual what sex is listed on their official government-issued identification. The individual's answer and the employee's verification the information provided by the individual should be used to determine the appropriate manner in which to classify the individual's sex on the document.

Any name used by the individual other than what is listed on his or her official government-issued identification card will be recorded as an alias in the appropriate report field. The report narrative will contain relevant information regarding the officer's contact to include the individual's expressed preferred name and pronoun, requests relevant to search or transports, whether or not those requests were accommodated and a reason if the request could not be accommodated.

Cerelyn J. Davis
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4077 R-3**

EYEWITNESS IDENTIFICATION

Effective Date: 02/01/2006	Revision Dates: R-1 02/28/2008; R-2 04/06/2010; **R-3 12/01/2015**

INTRODUCTION

The Department will adhere to the procedures outlined in this order. They are based upon the Eyewitness Identification Reform Act as enacted and amended by the North Carolina General Assembly as well as recommendations published by the North Carolina Innocence Inquiry Commission endorsed by the Education and Training Committee of the North Carolina Criminal Justice Education and Training Standards Commission.

DEFINITIONS

Eyewitness: A person, including a law enforcement officer, whose identification by sight of another person may be relevant in a criminal proceeding.

Filler: A photograph of a person who is not suspected of an offense and is included in a lineup.

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.

Lineup: For purposes of this policy, synonymous with the term "photo lineup."

Lineup Administrator: The person who conducts a lineup.

Photo Array: Synonymous with the term "photo lineup."

Photo Lineup: A procedure in which an array of photographs is displayed to an eyewitness for the purpose of determining if the eyewitness is able to identify the perpetrator of the crime.

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.

Show-up Administrator: The person who conducts a show-up.

PHOTO LINEUP PROCEDURES

Photo lineups shall adhere to the following set of guidelines with regards to the composition, presentation and documentation of the process:

Composition of the Photo Lineup

The photograph of the suspect shall be current and, to the extent practical, resemble the suspect's appearance at the time of the offense.

Only one suspect shall be included in a lineup, which will include a minimum of five fillers.

Fillers should resemble the witness's description of the perpetrator in significant features (face, hair, height, weight, etc.) or, in the case where a composite is used, based on their resemblance to the composite. If the perpetrator was described as having an unusual identification feature, all fillers should have similar features or all array members should have similar coverings over the affected area.

When there is an inadequate description of the perpetrator, or when there is a suspect whose appearance differs from the description of the perpetrator, fillers should resemble the suspect in significant features. For example, if a suspect is identified through fingerprints and the suspect's appearance differs from the witnesses' description of the perpetrator, fillers should be chosen that resemble the suspect in appearance.

When creating photo lineups for a case involving multiple suspects, the same fillers will not be used for different perpetrators shown to the same witness.

The investigator, or their designee, will be responsible for compiling the photo array order for the independent lineup administrator. The first photo in the array should be filler. If there are multiple witnesses being presented with the array, the investigator should use a copy of the array and reorder the photographs, making sure that the suspect is in a different position for each witness. Multiple witnesses may require the use of more fillers.

Prior to giving the lineup to the administrator the investigator, or designee, will ensure that no writings or information concerning previous arrests, indictments or convictions of the suspect, or previous identification results are visible. Booking photos that show evidence of the suspect having been arrested should not be used (e.g. holding an agency file number board, wearing a jail suit, etc.).

Presentation of the Photo Lineup

For the presentation of the lineup investigators should, whenever possible, utilize an independent administrator. If an independent administrator is not reasonably available, the investigator should use the Folder System alternative described below.

Unless the Folder System alternative is being utilized, no one shall be present during the identification procedure who knows the suspect's identity except the witness.

When showing the lineup to multiple witnesses, all witnesses should be separated as to prevent them from conferring with one another before, during or after the procedure.

The lineup administrator shall give identical instructions at the beginning of every identification procedure by appropriately completing and using the Verbal Instructions & Certification form (Attachment 1). Administrators shall have the witness sign and print their name and date on the instruction form indicating that he/she has received and understands the instructions. Each witness will be given instructions regarding the array procedures without other witnesses present.

Photographs will be presented to witnesses sequentially, rather than simultaneously. Sequential presentation requires each photograph to be presented to the witness separately, in the order that the investigator provided to the independent administrator, removing each photograph after it is viewed. Simultaneous presentation presents all photographs at the same time and should be avoided.

Witnesses will not be told how many photographs will be shown. They will be shown all photographs given to the administrator, even if they make an identification during the presentation.

Administrators should use great care not to influence the witness's selection in any way. Administrators should avoid making any comments during the selection procedure. Nothing shall be said to the witness regarding the suspect's position in the lineup or regarding anything that might influence the witness's identification. Administrators should also be aware that witnesses can perceive such things as unintentional voice inflection or prolonged eye contact as messages regarding their selection.

Administrators will not give witnesses any feedback regarding the individual he/she has selected or comment on the outcome of the array procedure in any way.

If the witness cannot make identification after all photographs are shown, the administrator can ask "would you like to view the photographs again?" It is important not to tell the witness prior to the completion of the array presentation that they will be allowed to view the photographs a second time if they do not make an identification the first time through.

If a witness wishes to view the photographic array again, all photographs must be presented in the same order as the first viewing. The photographic array can be presented only twice if there is not identification by the witness.

Documentation of Photo Lineup

If a photo array is being presented in an interview room, the presentation of the array should be recorded in accordance with General Order 4078 Interview Room Procedures. The recording should include the instructions and be uninterrupted through the conclusion of the presentation.

Array procedures and results must be documented by fully completing the Sequential Photographic Identification Case Management Form (Attachment 2).

All completed forms and documentation associated with the lineup will be submitted to the records as an attachment to the case.

FOLDER SYSTEM ALTERNATIVE

If an independent administrator is not available and the investigator, or any administrator who knows the identity of the suspect, is required to perform the photo array, a Folder System alternative will be used for the presentation.

Prior to presenting the photo array and out of the presence of the person who will view the photographic lineup, the suspect and filler photographs should be placed into individual folders. The administrator must shuffle the folders until he/she does not know which folder the suspect photograph is in; once this is accomplished the folders should be numbered sequentially and kept in order.

Seat the witness at a desk or table or otherwise provide a comfortable environment.

The administrator should position their self close enough to the witness to verbally communicate with him/her but must be in a place where the witness will be able to open a folder and look at the photograph without the administrator being able to see the photograph.

Without looking at the photograph in the folder, the administrator shall hand each folder to the witness individually. Each time the witness has viewed the contents of the folder, the witness should return the folder to the administrator. The order of the folders should be preserved, in a facedown position, in the event the witness desires to view the lineup a second time.

SHOW-UP IDENTIFICATION PROCEDURES

A show-up may only be conducted when:

- A suspect matching the description of the perpetrator, or who is reasonably believed to have changed his or her appearance in close time to the crime, is located in close proximity to the time and place of the crime; and
- Exigent circumstances require the immediate display of a suspect to the eyewitness.

A show-up shall only be performed using a live suspect, not a photograph.

If reasonably possible, transport the eyewitness to the location of the detained suspect.

Show-ups should not be conducted with more than one eyewitness present at a time.

Each eyewitness shall be given instructions regarding the show-up procedure without other eyewitnesses present.

Prior to a suspect being presented to any eyewitness, the show-up administrator shall give identical instructions to each eyewitness by appropriately using and completing the Show-up Eyewitness Instructions Form (Attachment 3).

The show-up administrator shall have the eyewitness sign and print his or her name and date on the instruction form indicating that he or she has received and understands the instructions. If the eyewitness refuses to sign, the show-up administrator must sign the form him/herself and not the eyewitness' refusal to sign.

If there are multiple eyewitnesses and one eyewitness makes an identification during a show-up, reserve any remaining eyewitnesses for another identification procedure.

Words or conduct of any type that may suggest to the eyewitness that the individual is or may be the perpetrator should be carefully avoided. Show-up administrators will not give witnesses any feedback regarding the individual he/she has or has not identified or comment on the outcome of the show-up.

The show-up administrator must ensure that a photograph of the suspect is taken 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 procedures. As soon as it is determined that a show-up will be attempted, the show-up administrator should have a member with a department issued camera respond to the scene. Officers shall not use personal recording devices for photographing suspect.

Immediately following the show-up procedure, the show-up administrator shall ensure that the Show-up Eyewitness Confidence Statement (Attachment 4) is full completed.

All completed forms and documentation associated with the show-up will be submitted to the records as an attachment to the case.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	Number: **4078 R-1**

INTERVIEW ROOM PROCEDURES

Effective Date: 11/30/2011	Revision Dates: **R-1 11/03/2014**

INTRODUCTION

The Durham Police Department maintains rooms designated for conducting interviews, polygraphs, and voice stress analysis. Officers may choose to create an electronic record of custodial or noncustodial interviews of suspects, victims or witnesses in any type of criminal investigation. If officers create such a record, to ensure compliance with discovery and to prevent the loss of any evidence, the procedures listed in this GO will be followed.

In accordance with N.C.G.S § 15A-211 any officer conducting a custodial interrogation at any place of detention is required to make an electronic recording of the interrogation in its entirety when the investigation is of a juvenile, or the investigation relates to any of the following crimes: a Class A, B1, or B2 felony; or a Class C felony of rape, sex offense, or assault with a deadly weapon with intent to kill inflicting serious injury. The electronic recording shall be both an audio and video recording whenever reasonably feasible and will take place in a Department dedicated interview room when the suspect is in the custody of the Durham Police Department or can be removed from his/her place of detention to Durham Police Department property.

DEFINITIONS

Electronic recording - An audio recording that is an authentic, accurate, and unaltered record; or a visual recording that is an authentic, accurate, and unaltered record.

In its entirety - An uninterrupted record that begins with and includes a law enforcement officer's advice to the person in custody of that person's constitutional rights. It ends when the interview has completely finished and clearly shows both the interrogator and the person in custody throughout. If the record is a visual recording, the camera recording the custodial interrogation must be placed so that the camera films both the interrogator and the suspect. 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 record will reflect the starting time of the recess and the resumption of the interrogation.

Place of detention - A jail, police or sheriff's station, correctional or detention facility, holding facility for prisoners, or other facility where persons are held in custody in connection with criminal charges.

The terms "interrogation" and "interview" are used synonymously in this policy.

UTILIZATION OF ALL INTERVIEW ROOMS

The intent of these procedures is to establish safe conditions for the various situations members may encounter when conducting interviews in an interview room. The following procedures shall apply to anyone who utilizes an interview room:

- The transporting officer is responsible for the safety and security of persons brought to the interview rooms until relieved by another officer assuming responsibility for the individual.
- All prisoners shall be thoroughly searched for weapons and contraband prior to being placed in an interview room. See General Order 4003 *Transporting & Handling Prisoners*.
- Officers should use discretion and abide by applicable laws to conduct protective frisks of persons not in custody.
- Officers will thoroughly check the interview room for the presence of weapons and contraband prior to placing someone inside the room and immediately after their removal from the room.
- Officers may wear department approved weapons in the interview rooms if the weapon is secured in an approved holster. If an officer elects not to wear a weapon in the interview room, the weapon must be locked in a secure location outside the presence of the interviewee.
- Handcuffs may be removed at the discretion of the officer having physical custody of the individual. If there is any doubt as to officer safety, the handcuffs will remain in place. At no time will anyone be secured to a movable or immovable object in the interview room.
- If a person in custody is left alone in an interview room, visual contact will be maintained through an open door, a two-way mirror in an adjoining room, or by utilizing the audio/video recording equipment installed in a room.
- Non-custodial interviewees such as witnesses, victims, and other persons not in custody should not be left alone in the interview rooms for extended periods of time. Officers should make visual contact at least once every fifteen minutes.
- Officers may request for assistance by utilizing their two-way police radio, their cell phone, or by calling out to other personnel on the floor.
- Officers will ensure that the basic needs of persons placed in the interview rooms are met, including access to restrooms and water.
- For fire safety reasons, cigarette lighters and matches will be removed from individuals placed in an interview room. In the event of a fire in an interview room area, officers should be aware of the location of the nearest fire extinguisher. If an evacuation becomes necessary due to a fire alarm or actual fire, the individual will be taken out of the building according to the evacuation procedures in the Emergency Action Plan for the facility involved.
- The number of officers/Department personnel allowed in the interview room at one time is at the discretion of the lead interviewer or his/her supervisor.

MAINTENANCE OF INTERVIEW ROOMS

Interview rooms shall be left clean. Necessary forms may be stored in file cabinets or on shelving approved by the District or Division Commander.

Any failure of the audio/video recording devices or damage to any equipment or other property shall be reported to a supervisor immediately.

The interview rooms are equipped with a table and chairs. Only those items necessary to conduct the interview and to provide for the safety and/or comfort of both the officer and the person being interviewed are allowed in the interview room. If an officer determines that any items in the room pose an officer safety concern, they may remove the item(s) for the duration of the interview at their discretion.

ADDITIONAL PROCEDURES FOR DEPARTMENT DEDICATED INTERVIEW ROOMS

Officers conducting an interview in accordance with N.C.G.S.§ 15A-211 will utilize a Department dedicated interview room to audio and video record the interview in its entirety when the suspect is in the custody of the Durham Police Department or can be removed from his/her place of detention to Durham Police Department property. The Department has established the following additional procedures for the electronic recording of interviews performed in Department dedicated interview rooms:

- The Department approved interview rooms are recorded at all times with an audio and video recording system. This system shall not be turned off at any time, unless authorized by the Division Commander.
- If circumstances do not reasonably allow for both audio and video recordings, then the officer must include justification in their report for why electronic recordings were not made.
- An officer may conduct an interview without electronically recording it if the interviewee refuses to have the interview electronically recorded, and the refusal itself is electronically recorded. In these cases, the officer may turn off the equipment without authorization from the Division commander. Once the interview is complete, the officer must turn the recording equipment back on. Unless otherwise required by N.C.G.S. § 15A-211, officers assigned to the Special Operations Division may conduct interviews in department dedicated interview rooms within the Special Operations Division without activation of the room's recording equipment.
- It is the responsibility of the officer conducting the interview to ensure that the recording system's audio and video are operating properly. The officer should check the volume control to ensure that it has not been turned off.
- The camera must record both the investigator and the interviewee. If there are other persons in the room, their entrance and exits should be documented for the recording.
- Video recordings, including copies, will show an empty interview room prior to the investigator and person being interviewed entering the room and will conclude only after the person being interviewed has been permanently removed from the room.
- Officers will record the starting time of any recesses taken and the resumption of the interview.
- Video/audio recordings of interviews conducted in the Department approved interview rooms are automatically saved to the recording system hard drive for a period of approximately two weeks before they are recorded over by the system.
- The officer conducting the interview is responsible for ensuring that the audio and video portions of the recording have properly transferred to the dedicated evidentiary data storage system to ensure compliance with discovery and prevent the loss of any evidence. See Attachment 1 for instructions on saving into the storage system. After an interview has been saved, the investigator is responsible for downloading the interview onto two DVDs, one of which will be submitted to the master case file and the other to the appropriate prosecutor's office after criminal charges have been filed.
- In the event an officer discovers that an interview did not properly record due to an equipment malfunction or other reason, the officer shall immediately notify the Division Commander and

technology services in writing through the investigator's chain of command. A copy of the written notification shall be maintained in the criminal investigative file.

- The officer will ensure that recordings are clearly labeled with the date and time of the interview, the case IR#, the name of the person interviewed and the name of the officer conducting the interview.
- Handwritten notes or the use of a backup voice recording device (e.g. digital voice recorder) are required to be made during the interview. This is to ensure there is documentation of the interview in the event of a recording equipment malfunction.
- If the interviewee requests to speak to an attorney and/or his/her spouse, the parties should be reminded that the room is equipped with audio/video recording devices and given the option of moving to a room that is NOT equipped with audio/video recording devices.

LOCATIONS OUTSIDE OF THE DURHAM POLICE DEPARTMENT

In the event a custodial interview is conducted at places of detention other than Durham Police Department , investigators are required to comply with the requirements of N.C.G.S. § 15A-211, and to follow the above procedures to the extent they do not violate the policies of the facility.

The original recording will be obtained by the officer and will be stored in the Durham Police Department Property and Evidence Unit. If the equipment, policies or practices of the custodian do not reasonably allow the officer to obtain the original recording, the officer will obtain a duplicate of the original in its entirety which shall be stored in the Durham Police Department dedicated evidentiary data storage system. The officer will ensure that copies of the interview are made and distributed to the appropriate prosecutor's office after criminal charges have been filed and the lead investigator for inclusion in the criminal investigative master file

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4079**

RAPID FINGERPRINT IDENTIFICATION DEVICES

Effective Date: **09/06/2012**	Revision Dates:

INTRODUCTION

Rapid Fingerprint Identification Devices (RFIDs) are portable devices that are designed to be used in the field in order to help identify unknown individuals. When used, these devices will digitally capture one or more fingerprints from an individual and then will search the card file database of the Wake County City-County Bureau of Identification (CCBI) for one or more potential identity matches. The CCBI's database contains information for arrestees from multiple law enforcement agencies in North Carolina, to include Durham, Orange and Wake counties. The CCBI's database will relay search results back to the Durham Police Department's workstation (MDC/laptop/desktop PC) that is mated to that particular RFID. For any potential identity matches that are found, information provided by the CCBI may include personal identifying information (name, birth date, race, FBI #, etc) and, in some cases, a photograph. If no matches are found, the workstation will display "NO HIT" for that particular fingerprint submission.

It is important to understand that RFIDs are intended to be used as an investigative tool only and officers should not take enforcement action based solely on the results of an RFID inquiry. Any identification provided by an RFID should be further corroborated by other investigative means and not solely by the RFID identification received.

USING THE RAPID FINGERPRINT IDENTIFICATION DEVICE (RFID)

RFIDs are to be used only for law enforcement purposes and in compliance with State and federal laws. RFIDs are not designed to take the place of fingerprinting that occurs during the intake process when a physical arrest is made.

RFIDs shall not be knowingly used on an individual who is determined to be less than 16 years of age.

RFID use is only authorized in the following circumstances and only for those persons believed to be 16 years of age or older:

- When an individual has been arrested <u>unless</u> the offense charged is a Class 2 or Class 3 misdemeanor under Chapter 20 of the North Carolina General Statutes: "Motor Vehicles" (see N.C.G.S. § 15A-502 for additional).

  or,

- When the individual has given his or her consent. Officers shall not threaten or coerce the individual into submitting to the RFID. Prohibited coercion includes, but is not limited to, telling the individual that he/she will be arrested if he/she fails to give consent.

or,

- When the identity of an unconscious or deceased individual is unknown.

or,

- When authorized by a court order, search warrant or Non-Testimonial Identification Order.

RFID ISSUANCE

The Durham Police Department (DPD) has only a small number of RFIDs available for use. The department's Information Technology (IT) Division, with direction from the Executive Command Staff (ECS), will assign the RFIDs to specific divisions and/or units. Supervisors from those divisions/units will be consulted by IT Division staff to determine who within their division/unit is to be assigned an RFID.

PROGRAM MANAGEMENT & EQUIPMENT MAINTENANCE

The department's IT Division will handle hardware/software installation, maintaining inventory records, troubleshooting, budget preparation and policy development. The IT Division will also work with the DPD Training Division to coordinate the training of affected staff in the use of RFIDs.

The department's Help Desk phone (919)560-1350 or email pdhelpdesk@durhamnc.gov should be used to request IT Division assistance.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4080 R-1**

RESPIRATORY PROTECTION PROGRAM

Effective Date: 01/31/2013	Revision Dates: **R-1 07/06/2015**

INTRODUCTION

To establish a comprehensive program, in compliance with all federal and state requirements regarding respiratory protection for emergency responders, specifically 29 CFR 1910.134, in order to provide for the safety and well-being of Durham Police Department general duty and special assignment personnel when operating in atmospheres that are, or have the potential of becoming, an immediate danger to their life and health. This includes general duty officers whose assignments do not normally include contact with hazardous materials.

DEFINITIONS

The following definitions are taken from 29 CFR 1910.134 and NFPA 1404:

- Air Purifying Respirator (APR) – A respirator that works by removing gas, vapor, or particulate, or combinations of gas, vapor, and/or particulate from the air through the use of filters, cartridges, or canisters that have been tested and approved for use in specific types of contaminated atmospheres by the National Institute for Occupational Safety and Health. This respirator does not supply oxygen and therefore cannot be used to enter an atmosphere that is oxygen deficient.
- Emergency Situation – Any occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment that may or does result in the uncontrolled significant release of an airborne contaminant.
- Escape Only Respirator – A respirator intended to be used only for emergency exit - also known as an escape hood.
- Fit Factor – A quantitative estimate of the fit of a particular respirator to a specific individual, and typically estimates the ratio of the concentration of a substance in ambient air to its concentration inside the respirator when worn.
- Immediately Dangerous to Life and Health (IDLH) – An atmosphere that poses an immediate threat to life, would cause irreversible adverse health effects, or would impair an individual's ability to escape a dangerous atmosphere.
- N95 mask – A respirator designed to achieve a very close facial fit and very efficient filtration of airborne particles. In addition to blocking splashes, sprays and large droplets, the respirator is also designed to prevent the wearer from breathing in very small particles that may be in the air. The 'N' designation denotes the mask is not oil resistant and the 95 designation denotes that when subjected to

careful testing, the respirator blocks at least 95% of very small test particles. This respirator does not supply oxygen and therefore cannot be used to enter an atmosphere that is oxygen deficient.

- Oxygen Deficient Atmosphere – An atmosphere with an oxygen level below 19.5% by volume.
- Quantitative Fit Test – An assessment of a respirator fit by numerically measuring the amount of leakage into the respirator
- Respirator – The term respirator may be used to describe N95, APRs and SCBAs.
- Self-Contained Breathing Apparatus (SCBA) – A device (respirator) worn by emergency responders to provide breathable air in an IDLH atmosphere. The term "self-contained" means that the breathing set is not dependent on a remote supply (e.g., through a long hose). SCBA are always used in conjunction with some type of personal protective clothing, garment, or suit.
- Service Life – The period of time that a respirator provides adequate protection to the wearer - determined in this policy through a field test of timed air consumption through simulated tasks while wearing SCBA.
- Supplied Air Respirator – An atmosphere supplying respirator for which the source of breathing is not designed to be carried by the user.

SCOPE OF THE PROGRAM

This program covers equipment selection, medical screening, fit testing, training, use and maintenance of respirators to be used by the following types of officers:

- Officers who are issued respirators to be used for escape from hazardous atmospheres.
- Officers who are issued respirators for use in maintaining the perimeter at crowd-control incidents where chemical agents (e.g., CS or CN tear gas) are deployed.
- Officers who are issued respirators to prevent exposure to tuberculosis and other serious airborne respiratory infections due to sustained contact with, or transport of, persons who are suspected of carrying an active infection with a serious airborne respiratory disease.
- Officers who, in exigent or emergency situations, are required to enter an area where CS, CN, or other tearing agents have been expelled.
- Officers who are issued respirators to be used while maintaining perimeters at hazardous materials incidents. These are officers who will be stationed in the support (cold) zone where contaminants are not expected to exceed levels deemed safe for unprotected persons, as determined by the Incident Commander.
- Officers who are issued APRs and/or SCBA to operate offensively or defensively in the contamination reduction (warm) zone. In this zone, personal protective clothing must be worn in conjunction with the appropriate respiratory protection as deemed by the Incident Commander.
- Officers who are issued APRs and/or SCBA to operate offensively or defensively in the exclusion (hot) zone. In this zone, personal protective clothing must be worn in conjunction with the appropriate respiratory protection as deemed by the Incident Commander.
- Forensic Services Unit (FSU) investigators who are issued APRs to process crime scenes in which a known deployed irritant is present. In this zone, additional personal protective equipment (PPE) to be worn is optional or at the discretion of the Incident Commander.

PROGRAM ADMINISTRATION

The Durham Police Department has designated the Supervising Officer of the Biological Chemical Emergency Response Team (BCERT) as the respiratory protection administrator to oversee this program. The program administrator shall be knowledgeable about the requirements of 29 CFR1910.134 and all elements of the respiratory protection program. The administrator will be responsible for assuring implementation of all elements of this program.

APPROVED EQUIPMENT

Only approved equipment may be used by agency members.

- Escape Only Respirators –
- N95 NIOSH approved particulate masks
- Full face Air Purifying Respirator (APR) with NIOSH approval for Chemical, Biological, Radiological and Nuclear incidents (CBRN).
- Self-Contained Breathing Apparatus (SCBA) that meet current NIOSH standards. It is also recommended all SCBA follow NFPA standards in addition to NIOSH standards.

SELECTION OF RESPIRATORS

All respirators purchased by Durham Police Department shall meet or exceed standards established by the NIOSH.

The list below contains recommendations only for respirator selection. Each situation is unique and will dictate the use of a given respirator or alternate method. The final decision on selection of which respirator is to be used will be made by the Incident Commander.

Recommended Equipment Use Chart

Respirator Use	Respirator Type
Escape from chem/bio/nuclear incidents	CBRN approved escape hood
Perimeter hazmat incidents with specific industrial chemicals	Full facepiece APR with CBRN canister
Perimeter chem/bio/nuclear incident	Full facepiece APR with CBRN canister
Perimeter crowd control (CN or CS tear gas)	Full facepiece APR with CBRN canister
Activation within crowd control area	Full facepiece APR with CBRN canister
Crime Scene Investigation within a CN or CS environment (FSU)	Full facepiece APR with CBRN canister
Offensive or defensive work in the support (cold) zone	N95 mask, Full facepiece APR with CBRN canister
Offensive or defensive work in the contamination reduction (warm) zone	Full facepiece APR with CBRN canister or SCBA
Offensive or defensive work in the exclusion (hot) zone	Full facepiece APR with CBRN canister or SCBA

FIT TESTING

Personnel required to wear APRs or SCBA shall receive a quantitative fit test to determine whether their assigned APR or SCBA assembly adequately seals their face from contaminants or other hazards.

All general duty and special assignment personnel shall have a quantitative fit test performed prior to their first exposure to an IDLH atmosphere, industrial chemical agent, riot control agent, or CBRN agent when using an APR or SCBA.

All FSU personnel shall have a quantitative fit test performed prior to their first exposure to a riot control agent or other irritant when using an APR.

Before an individual is required to use any respirator with a tight-fitting face piece (APR / SCBA), the individual must be fit tested with the same make, model, style and size of respirator to be used. Individuals shall be provided with a sufficient number of models and sizes so that he/she may select an acceptable face piece.

Fit tests shall be provided at the time of initial assignment and at least annually thereafter. Additional tests shall be provided whenever the officer, employer, supervisor, or program administrator makes visual observations of changes in the officer's physical condition that could affect respirator fit. These conditions include but are not limited to, facial scarring, dental changes, cosmetic surgery, or an obvious change in body weight.

All general duty and special assignment personnel shall have a qualitative fit test performed prior to their first exposure to an airborne particle when using a N95 mask.

Prior to the fit test, the officer shall be shown the proper procedures for donning and doffing a respirator. The officer shall demonstrate donning, adjusting the straps, and positive and negative pressure fit checks, if applicable.

The fit factor for all quantitative fit tests on APRs and SCBA shall be equal to or greater than 500 as stated in 29 CFR 1910.134.

Facial hair that interferes with the seal of the face piece shall not be allowed.

Personnel requiring corrective glasses shall be required to wear glasses with frames that do not interfere with the seal of the face piece.

Hard contact lenses are not allowed to be worn while wearing the APR or SCBA. Soft contact lenses are allowed.

MEDICAL EVALUATIONS

Members of BCERT and SET will undergo annual physical tests (known as hazmat physicals), which will including testing their ability to wear a SCBA. Information found in the medical questionnaire within 29CFR 1910.134 will be a part of this medical evaluation to determine capability to use SCBA. This is in addition to completion of a medical history statement and/or physical examination.

General duty personnel are considered medically qualified to use respiratory protective equipment after completing a medical history statement or its equivalent and successfully passing a physical examination, if so needed in accordance with 29 CFR1910.134.

Medical evaluations are required for any member when:

- The member reports medical signs or symptoms that are related to the ability to use a respirator,
- A physician or other licensed health care professional, a supervisor, or the program administrator informs the agency that an officer needs to be re-evaluated,
- Observations made during fit testing and program evaluation indicate a need for re-evaluation , or
- A change occurs in workplace conditions (e.g., physical work effort, protective clothing, and temperature) that may result in a substantial increase in physiological burden placed on an officer.

INSPECTION OF SCBA

Police personnel shall inspect the APR and / or SCBA assigned to their position as part of their monthly equipment inspection for operational readiness. The inspection shall include the following:

- Face piece for cracks or deformities that would compromise either the air tight seal or the resistance to impact.
- Face piece straps for cuts, deformed or corroded buckles, ease of movement, and pliability of elastic parts.
- Face piece is not scratched to the point of reducing visibility and is firmly in place.
- Exhalation valve is working properly - no sticking or hesitation should be present.
- The low pressure hose on SCBA shall have no cuts, nicks, or punctures that compromise the flow of breathing air or have the potential for contaminating its quality. The quick connect shall have no cracks and will work properly.
- Overall check of condition of first stage regulator, audio alarm, second stage regulator, and intermediate pressure hose to determine excess wear or malfunctions on SCBA.
- The harness assembly shall be checked for condition of straps, buckles, and stitching to determine freedom of movement and excess wear on SCBA.
- Overall check of the air bottle to determine the presence of dents, gouges, blisters in the wrapping material, discolored paint, and general condition of the cylinder valve.
- The air pressure in the air bottle shall be verified and any bottle with less than 90% capacity (4050 psi) shall be replaced.
- The latest hydrostatic test date on the air bottle shall be determined and any bottle with an expired service life (3 years from most recent test date) shall be replaced immediately.

Any SCBA found to be defective shall be taken off the apparatus immediately and reported to the program administrator. SCBA found to be defective during an inspection shall remain not in service for any reason.

All personnel shall don the APR or SCBA at the conclusion of an inspection to confirm that all assemblies are functioning normally.

The APR or SCBA shall then be stored in a location on the vehicle which makes it immediately available for use but not in a location that causes unnecessary wear on any assembly. The APR or SCBA shall not be stored where it will be exposed to direct sunlight, excessive heat, dust, or other contaminants which may deteriorate or affect the operation of the unit. The APR or SCBA shall be stored in a manner that will not distort the face piece or the exhalation valve.

CLEANING AND DISINFECTANT PROCEDURES FOR SCBA AND APR

Personnel shall be responsible for cleaning their APR or SCBA face pieces at the conclusion of an inspection and after every use, regardless of the nature of the use. The following procedure shall be used:

The program administrator shall have a location designated for cleaning masks only.

The face piece shall be immersed in a cleaner/disinfectant solution prepared according to the manufacturer's specifications. This face piece shall remain immersed for two minutes. Excessive soil shall be removed at this time.

The face piece shall then be rinsed completely in clear warm running water, wiped down with a clean cloth removing all visible moisture and allowed to air dry.

The harness assembly, regulators, and air bottle shall be cleaned of excessive soil by either wiping down with a damp cloth or warm water, mild detergent or rinsing with clear water if necessary.

MAINTENANCE ON SCBA AND APR

Any APR or SCBA found to be defective during use or after inspection shall be taken out of service immediately. The user shall notify the program administrator of the problem for repair and/or replacement. The administrator shall then make the necessary arrangements for pickup, replacement and / or repair of the defective APR or SCBA.

The APR or SCBA shall be evaluated and repaired only by personnel who are technicians certified by the manufacturer.

Repairs shall be made in accordance with the manufacturer's recommendations and specifications for the type and extent of repairs to be made.

The APR or SCBA shall be re-certified as functioning properly prior to being placed back into service. A copy of all repair records shall be obtained and stored by the program administrator.

Repair records shall be maintained on all APRs or SCBA from the date the unit is placed into service until a minimum of three years from the date the unit is retired. These records shall include the face piece, harness assembly, and regulators.

Air bottles whose service life has expired shall be collected by the administrator and destroyed. The service record of each bottle shall be maintained for a minimum of three years from the time it is destroyed.

EMPLOYEE TRAINING

Members who are required to wear an APR or SCBA in IDLH atmospheres shall receive the necessary training to prepare them for such emergencies.

The training shall include requirements found in 29 CFR 1910.134 and NFPA 1404.

Employees required to wear an APR or SCBA in IDLH atmospheres shall also receive re-training on an annual basis. Employees who are found to be deficient in related skills and knowledge will be required to obtain additional training, as necessary, to maintain their abilities in the proper use of APRs or SCBA.

At the end of employee training, employees shall be able to demonstrate knowledge in the following areas:

- Why the APR or SCBA is necessary and how improper fit, usage, or maintenance can compromise the protective effect of the APR or SCBA.
- What the limitations of the APR or SCBA are.
- How to use the APR or SCBA effectively in emergency situations, including situations in which the APR or SCBA malfunctions.
- How to inspect, put on and remove, use, and check the proper seal of the APR or SCBA.
- What the procedures are for daily maintenance and storage of the APR or SCBA.
- How to recognize medical signs and symptoms that may limit or prevent the effective use of the APR or SCBA.

PROCEDURES FOR PROPER USE OF SCBA IN ROUTINE AND POTENTIAL EMERGENCY SITUATIONS

In routine situations no member of the Durham Police Department shall enter any atmosphere that is or may have the potential to become oxygen deficient or otherwise contaminated without wearing an approved self-contained breathing apparatus. .

Contaminated atmospheres shall include, but are not limited to, the following:

- Hazardous material incidents (when applicable)
- Indoor or outdoor chemical spills (when applicable)
- Any incident involving weapons of mass destruction including but not limited to chemical, biological, radiological, nuclear, explosive and incendiary (when applicable)
- Any atmosphere with the potential for rapid deterioration
- Below ground operations
- Industrial biological, chemical or pharmaceutical incidents resulting in a spill or release
- Crime scenes in which CN or CS or other irritant has been deployed
- Structure fires
- Vehicle fires
- Dumpster fires
- Any fire situation where smoke is visible. Woods and grass fires are excluded unless a determination is made of the presence of agricultural chemicals. In these instances, SCBA shall be in use by personnel.
- At the discretion of the incident commander during emergency incident.

APR or SCBA in use at an emergency incident shall remain in use by personnel until the atmosphere is determined to be safe. A safe atmosphere is generally determined by an atmospheric monitoring device operated by the incident safety officer. In the absence of the safety officer, the incident commander shall make the decision for personnel to remove APRs or SCBA. Safety of personnel is the primary consideration.

PROCEDURES FOR OTHER EMERGENCIES REQUIRING THE USE OF SCBA

Personnel who enter an IDLH atmosphere shall be required to do the following:

- Use SCBA along with full personal protective equipment, and enter with at least two personnel.
- Do not enter the IDLH atmosphere unless there are at least two additional personnel standing by on the outside for the purpose of rescue of the interior crews. ***
- Crews on the outside shall notify the incident commander prior to entering the structure for purposes of emergency rescue.
- Remain in either voice, visual, or signal line communication with each other at all times while in the IDLH atmosphere. Remain in radio contact with personnel outside the IDLH atmosphere.
- Personnel standing by on the outside of the IDLH atmosphere must be trained and equipped to perform an emergency rescue if necessary. At a minimum, personnel standing by on the outside shall wear SCBA with full protective equipment as well as the necessary retrieval equipment to perform a rescue.

One of the personnel standing by on the outside for the purpose of rescue may perform additional duties as assigned by the incident commander as long as these duties do not interfere with his/her availability to immediately respond to the interior for the purposes of rescue. Such activities may include accountability officer, shuttling of equipment to the point of entry, etc.

*** Note: This statement does not preclude officers from entering a structure to perform rescue activities before outside personnel are available. Entry is permitted only when there is a verified or a high probability for a potential victim. This verification may be from persons who have left the building confirming victim(s) are inside, neighbors who confirm there are victim(s) still inside, or circumstances that lead officers to believe, beyond a reasonable doubt, there are victim(s) still inside.

AIR QUALITY MAINTENANCE FOR SCBA

The Durham Fire Department has agreed to maintain the quality of breathing air provided for SCBA through a quarterly and annual check of all systems. The program administrator is responsible for actively monitoring air quality tests of the equipment by the DFD. The program administrator shall obtain and store records of air quality tests and copies of the vendor's certification for a minimum of three years from the date of the test or certification.

PERMANENT RECORD KEEPING

A comprehensive record shall be maintained on all aspects of the respiratory protection program. These records shall be compiled by the program administrator for storage for a minimum of three years from the date the equipment is retired. These records shall include the following:

- Complete inventory of all APRs and SCBAs within the department. These records are to include any SCBA in reserve status as well as those in active service.
- Identification of each cylinder and SCBA by inventory or serial number.
- Record of each regulator and harness assembly, cylinder and face piece to include (where appropriate):
    - Inventory/Serial #
    - Date of purchase
    - Date of manufacture
    - Date placed in service
    - Maintenance, inspections and repair

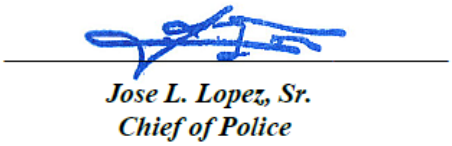
    - Replacement Parts
    - All upgrades
    - Test performance
    - Location
    - Hydrostatic test pressure and dates

- Hydrostatic test dates to appear according to manufacturer's specifications
    - Test performance

- All SCBA purchased by the Durham Police Department shall undergo the following quality control measures prior to being placed into service:
    - Certificate of documentation of factory testing
    - A full inspection and testing by Durham Fire Department certified technicians.
    - Inspection of major components for completeness of assembly
    - Any visible signs of damage
    - All components tested for proper function and performance:
    - Manipulation of all adjustable components to include all slides, buckles, valves, and levers.
    - Face piece, regulator, alarms, and cylinder valve tested on test equipment for specification compliance.

DISCIPLINARY ACTION

Violations of this policy may result in disciplinary action determined on a case by case basis. Disciplinary action includes possible suspension or reassignment from specialized teams.



Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4081 R-1**

LAW ENFORCEMENT ASSISTANCE & DECONFLICTION PROGRAM

Effective Date: 08/06/2014	Revision Dates: **R-1 04/20/2015**

INTRODUCTION

In the interest of safety to officers and investigators involved in criminal investigations, the Durham Police Department will utilize resources made available through the Atlanta-Carolinas High Intensity Drug Trafficking Area. Through the use of the Law Enforcement Assistance and Deconfliction Program, members of the Department will be able to reduce the risk of conflicting with on-going, undercover operations by sharing intelligence information.

DEFINITIONS

Deconfliction – use of the Law Enforcement Assistance and Deconfliction program to enter information regarding specific operations to screen for alerts regarding other possible ongoing investigations.

Alert – a message indicating that there is information in the system regarding an entry.

SYSTEM USAGE

An Officer shall be designated as the administrator of the Department's LEAD program usage. This designee shall coordinate access, system orientation and training in accordance with LEAD program requirements.

All Officers entering data into the LEAD program shall be trained on the proper use of the program.

Prior to the execution of an operation, the lead investigator will be responsible for entering the operation into the LEAD program and search for alerts.

Operations that need be entered into the LEAD program include:

- Controlled deliveries;
- Buy busts;
- Search warrants involving a physical address;
- Search warrants involving a person;
- Vehicle takedowns.

For each operation, the minimum amount of information that will be entered into the LEAD program includes:

- Date of the operation

- Location of the operation (either address or latitude/longitude) to include the city and state
- The type of event (search warrant, knock and talk, etc.)
- Incident number

A LEAD program entry may be appropriate in other circumstances. Investigators should consult with the Department's program administrator if they have questions about entering an operation not listed above.

When an operation is entered into the system, the lead investigator is required to follow-up on any alerts that are received before going forward with the operation. If the instructions in the alert are unclear, the investigator should consult with the Department's program administrator and their supervisor.

Jose L. Lopez, Sr.
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4082 R-2**

U VISA CERTIFICATION

Effective Date: 08/06/2014	Revision Dates: R-1 02/18/2015; **R-2 01/23/2017**

INTRODUCTION

In an effort to assist in the investigation and successful prosecution of certain crimes, the Durham Police Department will review applications for U Nonimmigrant Status. This program, known as U Visas, is an immigration benefit for victims of certain crimes who are currently or have previously assisted law enforcement or who are likely to be helpful in the investigation or prosecution of criminal activity. By reviewing and certifying applications, the Department seeks to secure the assistance and testimony of crime victims who may otherwise become unavailable due to their immigration status.

DEFINITIONS

I-918 Form – This is the initial application form completed by a victim (or their representative) requesting U Nonimmigrant Status. These forms are reviewed and approved by the U.S. Citizenship and Immigration Service (USCIS) on a case-by-case basis. If the petition is approved, the victim receives nonimmigrant status to live and work in the U.S. for up to four (4) years.

I-918 Supplement B Form – This form is completed by a Certifying Agency (law enforcement being one) that certifies that the petitioner is a victim of a crime and has been helpful to the investigation or prosecution. This form is required for the USCIS to approve a U Visa request; however Certifying Agencies are not required to complete the form. Refer to attachment 1, Instructions for Form I-918 Supplement B U Nonimmigrant Status Certification.

"Helpfulness" – For the purpose of the U Visa program, The Department of Homeland Security (DHS) has provided guidance for determining whether or not a victim has been helpful. To be considered helpful, a victim was, is or is likely to be assisting law enforcement in the investigation or prosecution of established, qualifying criminal activity.

Indirect Victim – The parent of a victim who is under twenty-one (21) and is incompetent/incapacitated and unable to assist in the investigation or prosecution. In order to qualify the indirect victim needs to meet all of the remaining eligibility requirements, including having information about the crime and being helpful to law enforcement in the investigation/prosecution of a crime.

Qualifying Criminal Activity – A criminal offense as determined by USCIS and listed on the I-918 Supplement B certification form.

U VISA CERTIFICATION PROCESSING

The U Visa certification process begins when the Department receives a request for certification from a victim, an indirect victim or a representative of the victim, here after referred to as "the petitioner." Requests will be processed by the Executive Officer to the Chief of Police, hereafter referred to as the Executive Officer.

Upon receipt of the request, information regarding the case will be gathered and may include:

- A review of incident/investigative reports;
- Interviews with the lead investigator of the case;
- Consultation with a prosecutor, if applicable;
- Criminal history of the petitioner; and,
- Solvability factors of the crime.

Once the necessary information has been gathered and reviewed, the Executive Officer will submit a recommendation to the Chief of Police or his/her designee as to whether or not the request should be certified. If the recommendation to certify has been made, the completed I-918 Supplement B form shall be submitted to the Chief or his/her designee along with the necessary supporting documentation for review and signature. The original, signed I-918 Supplemental B form must be returned to the petitioner for submission to the USCIS. The USCIS prefers the supplemental form be signed in ink other than black to distinguish the original signature. The lead investigator will also be notified that the request has been certified. Copies of the original request and all documentation returned to the petitioner will be maintained by the Office of the Chief of Police.

If it is determined that the petitioner does not meet the departmental criteria for certification, the Chief or his/her designee will be advised and provided with the reasons for not certifying the request. The petitioner will then be notified by the Chief of Police or his/her designee that the request was not certified.

The Department will make every effort to complete the certification review process within a reasonable amount of time.

CERTIFICATION GUIDELINES

In order for the Chief or his/her designee to certify a request, the following criteria apply:

- The petitioner was the victim of a qualifying criminal activity;
- The case is active with workable leads, or has been cleared and prosecution is either pending or has concluded within the past 4 years;
- The petitioner ***possesses and has communicated credible and reliable information*** that is helpful to the investigation or prosecution of the case. Refusal to participate in follow-up activities such as additional interviews, suspect identification or post arrest proceedings, including court appearances, will result in the request not being certified. Additionally, if the petitioner's ***assistance is not requested*** then the form should not be certified.

If at any time after the certification is sent the petitioner unreasonably refuses to assist in the investigation or prosecution of the crime, the Department must disavow or withdraw the I-918 Supplement B form. If a petitioner is no longer helpful to the investigation or prosecution, the lead investigator will notify the Executive Officer so the withdrawal of the certification can be initiated. This is done by sending written notification to USCIS. The notification shall be submitted on Department letterhead and include:

- The name and date of birth of the individual certified;
- The name of the individual who signed the certification and the date it was signed;
- The reason the agency is withdrawing/disavowing the certification including information describing how the victim's refusal to cooperate in a case is unreasonable;
- The notification must be signed and include the title of the official who is withdrawing/disavowing the certification; and
- A copy of the original certification form.

Cerelyn J. Davis
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **4083 R-1**

BODY-WORN CAMERAS

Effective Date: 12/6/2016	Revision Dates: **R-1 03/20/2017**

INTRODUCTION

In an effort to enhance its services to the community, the Durham Police Department utilizes body-worn cameras. The goals are to enhance both officer and citizen accountability, and strengthen public trust, by preserving factual representations of officer-citizen interactions, protect civil liberties and privacy interests, enhance evidence collection and training efforts, and provide an additional means of documentation for administrative and public interest purposes. This policy establishes guidelines for the use and maintenance of departmentally owned and operated body-worn camera systems, hereinafter referred to as "body-worn cameras," as well as the dissemination, retrieval and storage of recordings produced by these cameras.

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.

Body-Worn Camera Program Manager - The overall management of the body-worn camera program will reside with the Department's Information Technology (IT) Manager, within the Administrative Services Bureau. The IT Manager, or his/her designee, is responsible for handling or directing administrative and management matters related to the department's body-worn camera program as outlined in this policy or as further directed.

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 Durham Police Department. This term does not include the release of a recording.

IT Division Staff Members – Refers to any employees assigned to the Information Technology Division.

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 operated by or on behalf of the Durham Police Department or its law enforcement personnel when carrying out law enforcement

responsibilities. For purposes of disclosure and release, this term does not include video or audio recordings of interviews regarding agency internal investigations, or interviews of suspects or witnesses.

Release – To provide a copy of a recording.

USE AND REQUIRED ACTIVATION OF THE BODY-WORN CAMERA

The assigned body-worn camera will be affixed upon the officer's uniform, on the torso between the beltline and the shoulders, at the beginning of the shift in accordance with departmental training. While some discretion with regards to placement is allowed, officers are responsible for ensuring that the specific location utilized does not obstruct the camera's recording capabilities. Police Training Officers are required to wear their body-worn camera during the plain clothes phase of recruit training. The body-worn camera will be worn for the entire work shift as well as Secondary Employment jobs. Although all sworn officers may be assigned a body-worn camera, the following police units shall wear their assigned body-worn camera while on-duty as a part of their standard duty equipment:

- Patrol Services Officers
- Traffic Services Officers
- Bicycle Officers
- Violent Incident Response Team Officers
- Selective Enforcement Team

It is understood that not all situations will clearly start out as requiring recording nor will all recorded incidents have a clear ending for when recording is no longer required. Officers are expected to follow departmental policy utilizing ethical and legal discretion when activating and deactivating their body-worn camera.

Officers will begin recording with their body-worn camera in the following situations:

- prior to any officer initiated field contacts involving actual or potential violations of the law including traffic stops, and pedestrian or vehicle contacts;
- upon being dispatched to, and/or when responding to assist on, any and all calls for service, the exception being a call handled via telephone;
- when engaged with a citizen for the purpose of investigating or assisting in the investigation of suspected criminal activity; and
- while executing searches of individuals, personal property, vehicles, and premises. The body-worn camera will be used to record a request for consent to search and the granting or denial of that consent. This recording shall not replace the use of the Consent to Search Form as required by policy.
- at designated checking stations, the body-worn camera may be off initially. Once an officer determines there is reasonable suspicion or probable cause to take enforcement action or detain the driver, the officer shall begin recording with their body-worn camera.

If not already activated, and whenever reasonable, the body-worn camera will be activated to record any encounter that becomes adversarial or in any situation that the officer believes the use of the body-worn camera would be appropriate or would provide useful documentation.

It is understood that there may be certain instances where officers operating in a proactive (non-dispatched) capacity may become involved in a situation requiring immediate action to prevent injury, make an arrest, and/or prevent the destruction of evidence or escape. If the immediate activation of the body-worn camera is not reasonable due to the circumstances, the officer will activate their body-worn camera at the first available

opportunity after the immediate threat has been addressed. Supervisors will closely review documentation of such incidents to ensure exigent circumstances did in fact exist.

All officers shall note "BWC" at the end of their incident and/or supplemental reports when recordings were made during an incident. To enhance the services provided to the community, officers may use video captured by their assigned body-worn camera to assist with investigations and evidence collection, and to improve and or enhance the accuracy of officer reports and courtroom testimony. Recordings may not capture everything during an incident and, therefore, are not a replacement for written reports. Officers are prohibited from relying totally on body-worn camera recordings to complete reports. Officers shall not use statements such as, "refer to video", etc. as a substitute for a thoroughly detailed reporting of an incident. The recording of an incident should serve as a visual support or enhancement of the written report.

In a manner consistent with officer safety, officers should make every reasonable effort to inform individuals that they are being recorded. If a citizen inquires as to whether a body-worn camera is in use or whether a recording is being made, officers shall provide a prompt and truthful response.

Officers who have inadvertently activated the body-worn camera during non-law enforcement related activities (i.e. meal/restroom breaks, etc.) shall make an email request to IT staff, via the PD-Help Desk, to have the recording deleted and shall include the reason(s) for the request. This email request should explain the circumstances surrounding the inadvertent recording. Prior to deletion, the video in question will undergo a second level of review by the IT Manager to ensure that the device only captured a non-law enforcement related recording. The original email and subsequent approval will be retained by the IT Manager for 180 days. The IT Manager is expressly prohibited from disseminating or discussing such videos outside of the officer's chain of command.

If an officer fails to activate his/her body-worn camera as required, the officer shall document said failure in his/her report, and shall make an email notification to his/her supervisor outlining the circumstances surrounding the oversight.

DEACTIVATION AND RESTRICTED USE OF THE BODY-WORN CAMERA

Once an officer starts recording with their body-worn camera, recording should not be stopped until the initial incident that required the recording has stabilized and transitioned to an orderly investigation or concluded, or the officer's involvement in the incident has concluded. An incident may be considered stabilized when the initial police response or exchange of communication related to police enforcement activities has transitioned to a controlled and orderly investigation by the primary officer. Officers who respond in a secondary or assisting capacity may stop recording once the incident has stabilized or upon leaving the scene.

Body-worn camera recordings may be stopped at the request of a non-suspect. Should the officer choose to honor such a request, said request shall be captured on the officer's body-worn camera prior to doing so. The officer shall maintain the discretion to resume recording at any time during the encounter should he/she deem it necessary. Additionally, the officer shall have the discretion to deny such a request if he/she deems it appropriate.

The body-worn camera may be deactivated in the following situations:

- If an officer is on a perimeter or assigned to a static post where he/she is not in contact with citizens or actively participating in the investigation. The body-worn camera will be reactivated if either of these conditions ceases to exist.

- If it is necessary to discuss issues or concerns regarding an individual's mental or physical health. As soon as the private conversation is completed, the body-worn camera shall be returned to record mode if the situation continues to fall under the definition of required use.
- Prior to discussing a case on-scene with other officers or during on-scene tactical planning.
- When interviewing victims of sexual assault. The officer shall inform the victim that he/she is being recorded, ask if the victim would prefer not to be recorded, and honor that request.

Officers will document the reason that the body-worn camera has been deactivated in the form of a recorded announcement on the body-worn camera prior to deactivation.

Use of the body-worn camera is prohibited in the following situations:

- To record conversations involving Department employees that are not required to be captured pursuant to this policy.
- In places where a heightened expectation of personal privacy exists, such as locker-rooms, dressing rooms, or restrooms unless the recording is for the purpose of official law enforcement activities and no uninvolved parties are captured in the recording.
- To record confidential informants or undercover officers.
- To record strip searches, however, officers may video the location of the search immediately prior to beginning. While officers may not video the search itself, the camera may remain recording, but be turned away from the suspect so that an audio recording of the event may be captured.
- In patient care areas of a healthcare facility, officers should not record patients during medical or psychological treatment or evaluations other than to document injuries, or obtain statements, for official law enforcement purposes. Officers should take special care to record only the parties involved in the incident being investigated.
- To record judicial proceedings in courtrooms and the Magistrate's Office unless express permission is given beforehand by the presiding judicial official.
- To record communications between a defendant and his/her attorney.
- To record activities which are not official law enforcement functions.

Recordings of matters related to the investigation of suspected criminal activity which are either not required, or are restricted from recording by this policy but which nonetheless have been created, shall be retained as part of the criminal investigative file.

DATA MANAGEMENT AND RETENTION

With the exception of those recordings <u>not</u> needed for administrative or court purposes, officers will categorize or tag each body-worn camera recording with the assigned Incident Report (IR) number and one or more of the call type categories available within the video management system (Misdemeanor, Felony, Calls for Service, etc.).

Upon going off-duty for that particular shift, officers should transfer all recordings from their assigned body-worn camera, if reasonably feasible. If the officer has a secondary employment job prior to the next regularly scheduled shift, the officer may keep the camera in the officer's possession rather than docking it for transfer at the end of shift. In these instances, it is the responsibility of the officer to ensure that the camera's battery gets sufficiently recharged to last through the expected duration of the next usage, whether it is for secondary employment or a regular shift. All cameras with recordings, including those captured on-duty and during

secondary employment, must be docked for transfer no later than the end of the officers' next working day. If an officer has recorded an incident that an officer should reasonably believe may be relevant to a citizen's complaint, involves a use of force or significant arrest, or any other similar incident, the officer shall transfer said recording before going off-duty if feasible, or by docking the camera immediately upon going off duty. If the incident was captured during a secondary employment assignment, the camera should be connected for transfer by the end of the officer's next working day or within 24 hours of the end of the secondary employment assignment, whichever occurs first.

Recordings are transferred from a body-worn camera onto storage arrays through one of two methods:

- Physically connecting the camera to a docking station designated for this purpose or an internet-connected computer.
- Wireless transfers via Department authorized wireless methods

Recordings are stored for a minimum of 180 days. By selecting an event type for a specific recording, the minimum retention of the recording can be increased. Recordings will be automatically deleted when their retention time has expired. The retention time frames for each event type are as follows:

- 180 days (6 months) – Calls for Service (non-criminal incidents generating an IR Number such as attempted suicides and involuntary commitments; infractions; and crash scenes)
- 365 days (1 year) – Field Contacts
- 1095 days (3 years) – Misdemeanor cases
- 7300 days (20 years) – Felony cases
- Indefinite hold – Professional Standards (includes citizen complaints, uses of force, crashes involving city vehicles, etc.)

Officers who fail to categorize and select an event type for recordings prior to transfer can go to a computer transfer/viewing station, find their recording, and categorize it at that time.

When an incident arises that requires the immediate retrieval of body-worn camera recordings for chain of custody purposes including, but not limited to, serious crime scenes or critical incidents such as officer involved shootings, a supervisor will respond to the scene and ensure that the body-worn camera remains affixed to the officer(s) in the manner it was found and that the body-worn camera data remains uncompromised. Through direct and uninterrupted supervision/observation, the supervisor or his/her designee is responsible for the care and custody of the body-worn camera(s) until it has been removed and secured by the lead investigator, Forensic personnel, or Professional Standards personnel.

Employees shall not make any efforts or attempts to destroy, delete, alter, or edit body-worn camera recordings except as explicitly authorized by this General Order, and then only by authority of the Chief of Police or his/her designee, or as required by law.

SUPERVISOR REVIEW

District and Division Commanders with direct reports utilizing body-worn cameras are responsible for ensuring that a minimum of two body-worn camera recordings of their direct reports are reviewed each month. Reviews will include verification that officers are tagging recordings accurately in the system. Reviews may be conducted at random or as a result of a complaint and will be documented on the Monthly Camera Footage Review form. If a system error (or other issue) occurs that prevents a review from taking place, this will be documented on the form and the PDHelpdesk should be notified as soon as the error becomes known.

DISCLOSURE AND RELEASE

All video and/or audio captured by body-worn cameras are the property of the Department.

Any interviews regarding agency internal investigations, or interviews of suspects or witnesses, captured by a body-worn camera constitute personnel or criminal investigation records respectively, and are not public records, pursuant to N.C.G.S. §160A-168 and §132-1.4. Such records are open to inspection, copying, and dissemination in accordance with these statutes or as otherwise required by law.

All other body-worn camera recordings are governed by N.C.G.S. §132-1.4A. These recordings may only be disclosed or released in accordance with the below provisions.

Internal Disclosure and Release

A recording shall be disclosed or released to the City Manager and/or Deputy City Manager(s), and attorneys assigned to the City Attorney's Office, as requested by such individuals for administrative purposes.

Officers may view/listen to their own body-worn camera recordings for law enforcement purposes only. Members may not view/listen to recordings from body-worn cameras assigned to other members unless necessary for the performance of a supervisory function or administrative duty/assignment, mandatory or supervisor approved training, or as otherwise required by law.

Members without viewing privileges shall request viewing access of a recording through their chain of command. Supervisors will review the request and, upon approval provide the requesting member with access to view the required recording.

Recordings may only be released to members when necessary for administrative, training or law enforcement purposes. Members shall not use any electronic device or other means, such as a phone, to record any data captured by a body-worn camera. Recordings shall not be used to create a database to be used as fillers in photo arrays or be searched using facial recognition software.

Copying their chain of command, members shall send requests for the release of a recording via email or telephone to the PD Help Desk, which will then forward them to appropriate IT Division personnel for processing. Due to the amount of time it may take to locate recordings, these requests should be made as far in advance as possible and, to the extent it is reasonably known or available, the following information should be included:

- Requesting member's name and contact information (typically, a recording will only be released to the lead officer/investigator for that particular incident)
- Reason for request (administrative or court proceeding, crash investigation, training, etc.)
- The number of copies needed
- Date copies are needed by
- Approximate date/time of the recorded incident
- IR number

Members to which recordings are released shall not further disclose or release the recording beyond the extent necessary for the purpose for which it was provided, unless such disclosure or release is specifically authorized by this policy or required by law.

Disclosure and Release to a District Attorney or Law Enforcement Agency

A recording must be disclosed or released to a district attorney:

- For review of potential criminal charges;
- In order to comply with discovery requirements in a criminal prosecution;
- For use in criminal proceedings in district court; or
- Any other law enforcement purpose.

A recording may be disclosed or released to another law enforcement agency for law enforcement purposes.

Disclosure Pursuant to a Written Request

Besides those disclosures mandated or permitted above, any other disclosure of recordings must be pursuant to a written request made to the Chief of Police. The written request may, but is not required to be, on a form provided by the Department. All written requests must include the date and approximate time of the activity captured in the recording, or other identification of the activity with reasonable particularity to sufficiently identify the recording to which the request refers.

Only the following persons are authorized to receive disclosure of a recording pursuant to a written request:

- A person whose image or voice is in the recording;
- A personal representative of an adult person whose image or voice is in the recording, if the adult person has consented to the disclosure;
- A personal representative of a minor or of an adult person under lawful guardianship whose image or voice is in the recording;
- A personal representative of a deceased person whose image or voice is in the recording; or
- A personal representative of an adult person who is incapacitated and unable to provide consent to disclosure.

Due to the short period of time in which the Department must respond to such requests, any member receiving a written request shall immediately deliver the request by personal delivery or email to the Professional Standards Division. The recording will be reviewed by the Professional Standards Commander or his/her designee within the Professional Standards Division, along with the affected officer(s)' Assistant Chief, Deputy Chiefs, and/or Chief of Police, who will determine if disclosure to the requesting party will be allowed or denied and, if allowed, whether any redactions will occur. The following factors may be considered in making this decision:

- Whether the person requesting disclosure of the recording is a person authorized to receive disclosure;
- Whether the recording contains information that is otherwise confidential or exempt from disclosure or release under State or federal law;
- Whether disclosure would reveal information regarding a person that is of a highly sensitive personal nature;
- Whether disclosure may harm the reputation or jeopardize the safety of a person;
- Whether disclosure would create a serious threat to the fair, impartial, and orderly administration of justice; and
- Whether confidentiality is necessary to protect either an active, inactive, or potential, internal or criminal investigation.

Unless otherwise agreed to by the requesting party, within 3 business days of the Department's receipt of a written request for disclosure, the Commander of the Professional Standards Division or, in his/her absence, his/her designee, must either disclose the recording or notify the requesting party of the Department's decision not to disclose the recording and the reason(s) for such denial.

If a written request for disclosure is granted, only those portions of the recording relevant to the person's request may be disclosed. A person who receives disclosure is prohibited from recording or copying the recording.

If a written request for disclosure is denied, or if disclosure has not been provide more than 3 business days after a request is made, the person seeking the disclosure may appeal to superior court. The Chief of Police, Department personnel whose image or voice is in the recording, and the District Attorney must be notified of the appeal and given an opportunity to be heard. Any member receiving notice that a petition for disclosure has been filed shall immediately notify the police attorney or, in his/her absence, other staff of the City Attorney's Office. A judge may issue an order for disclosure if the court finds that the Department abused its discretion in denying the request. Any order issued pursuant to this procedure may not direct release of the recording.

Release Pursuant to a Court Order

Besides those releases mandated or permitted as described above, any other release of a recording must be pursuant to a court order. Any person seeking release of a recording, including the Department and its members, must petition the superior court for an order to release a recording. Any member seeking release of a recording pursuant to a court order shall make a request through the member's chain of command to the Chief of Police. The Chief of Police must be given notice and an opportunity to be heard when a petition is filed by a person authorized to receive disclosure for release to such a person. If the petition is filed by a person not authorized to receive disclosure, or seeks release to any person other than a person authorized to receive disclosure, the Chief of Police, Department personnel whose image or voice is in the recording, and the District Attorney must be given notice and an opportunity to be heard. Only portions relevant to the request may be ordered released.

EDITING OR REDACTION OF BODY-WORN CAMERA RECORDINGS

The disclosure or release of body-worn camera recordings may require editing or redaction to limit or prevent dissemination of information that may compromise an ongoing investigation, reveal the identity of juveniles, victims, witnesses, etc. Any editing or redaction of recordings requires a court order or prior approval by the Chief of Police or his/her designee. At the direction of the Chief of Police or his/her designee, the IT Manager will coordinate the redaction of the required portions of the designated recording.

BODY-WORN CAMERA DISTRIBUTION, MAINTENANCE, INSPECTIONS, AND INVENTORY

Distribution

Distribution shall be coordinated by the IT Manager and will be handled by the designated IT staff.

Emergency Replacements

Emergency replacements of body-worn cameras needed during non-business hours will be authorized and facilitated by the Desk Officer. The Desk Officer shall report any emergency replacements via email to the PD-Help Desk by the end of his/her shift. The officer shall immediately deposit the malfunctioning body-worn camera in the safe located in the Information & Technologies area.

The officer who received the emergency replacement shall email the PD-Help Desk by the end of his/her shift to schedule an appointment for camera reassignment.

Maintenance and Inspections

Officers are responsible for the care and maintenance of their assigned body-worn camera. Officers are responsible for charging their assigned body-worn camera between work shifts. Officers shall inspect their assigned body-worn cameras prior to the beginning of each shift or secondary employment assignment to ensure that the camera has no obvious signs of damage, adequate battery life and storage, and that the camera is functioning properly. Officers shall immediately report any damage, malfunction or loss to the PD Help Desk who will, in turn, forward those concerns to appropriate IT Division staff members for resolution.

Officers shall immediately report any issues/problems with body-worn camera equipment to their immediate supervisors via radio and then place themselves out of service to obtain a replacement unit.

The IT Division's Help Desk tracking system will be used to document reported malfunctions and the solutions to those malfunctions.

Officers shall not:

- Remove, dismantle, or tamper with, or attempt to remove, dismantle, or tamper with, any hardware or software component or part associated with the body-worn cameras.
- Use any electronic device or other means to intentionally interfere with the functioning of the body-worn camera.
- Share or swap assigned body-worn cameras.
- Tamper, or attempt to tamper, with, or gain unauthorized access to, recordings. All access or attempts to access recordings will be tracked and can be audited by the IT staff.

Inventory

The IT staff, under the direction of the IT Manager, will maintain an inventory database of all body-worn cameras to include personally assigned accessories.

If the body-worn camera, or any accessories, are lost or damaged due to violation of policy or carelessness while assigned to a specific officer, that officer may be held financially responsible for any repair or replacement and may be subject to disciplinary action.

TRAINING

Officers will not use the body-worn camera until they have successfully completed all required training on the system's equipment and recorded media. IT members, who have responsibilities regarding the body-worn cameras that exceed the training provided for the basic users, will be trained on the procedures that apply to their specific area of responsibility.

Officers having difficulty operating either the body-worn camera or uploading the data will contact the PD Help Desk for troubleshooting and clarification. Additional formal training may be requested through the chain of command. The Body-Worn Camera Program Manager will assess requests and process them appropriately on a case-by-case basis.

The PD Help Desk will refer all requests for additional training to the Body-Worn Camera Program Manager for follow-up.

POLICY VIOLATIONS

Any member who violates the terms of this policy will be subject to disciplinary action.

Cerelyn J. Davis
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	NUMBER: **4084**

DISCLOSURE & RELEASE OF LAW ENFORCEMENT RECORDINGS

Effective Date: **02/20/2017**

INTRODUCTION

The Durham Police Department complies with N.C.G.S. § 132-1.4A which governs the disclosure and release of law enforcement agency recordings. This general order establishes policies and procedures for those recordings not addressed in G.O. 4064 *In-car Cameras* or G.O. 4083 *Body-worn Cameras*.

DEFINITIONS

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 Durham Police Department. 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 the Department or its personnel when carrying out law enforcement responsibilities. This term does not include video or audio recordings of interviews with suspects or witnesses or regarding a Department internal investigation. Specific examples of recordings include (but may not be limited to) audio/video obtained from:

- Body-Worn Cameras, see G.O. 4083
- In-Car Cameras, see G.O. 4064
- Surveillance conducted for criminal investigations or intelligence,
- Building security
- Training

Release: To provide a copy of a recording.

RETENTION

Recordings not governed by G.O. 4064 and G.O. 4083 must be stored on departmental server(s) or other appropriate storage medium controlled by the Department for a minimum of thirty (30) calendar days.

DISCLOSURE AND RELEASE

All recordings are the property of the Department.

Any recordings regarding agency internal investigations, or interviews of suspects or witnesses, constitute personnel or criminal investigation records respectively, and are not public record, pursuant to N.C.G.S. §160A-168 and §132-1.4. Such records are open to inspection, copying, and dissemination in accordance with these statutes or as otherwise required by law.

All other recordings are governed by N.C.G.S. §132-1.4A. These recordings may only be disclosed or released in accordance with the below provisions.

Internal Disclosure and Release

A recording shall be disclosed or released to the City Manager and/or Deputy City Manager(s), and attorneys assigned to the City Attorney's Office, as requested by such individuals for administrative purposes.

A recording may be disclosed or released within the Department for an administrative, training, or law enforcement purpose.

Disclosure and Release to a District Attorney

A recording must be disclosed or released to a district attorney:

- For review of potential criminal charges;
- In order to comply with discovery requirements in a criminal prosecution;
- For use in criminal proceedings in district court; or
- Any other law enforcement purpose.

Disclosure and Release to Another Law Enforcement Agency

A recording may be disclosed or released to another law enforcement agency for law enforcement or training purposes.

Disclosure Pursuant to a Written Request

Besides those disclosures mandated or permitted above, any other disclosure of recordings must be pursuant to a written request made to the Chief of Police. The written request may, but is not required to be, on a form provided by the Department. All written requests must include the date and approximate time of the activity captured in the recording, or other identification of the activity with reasonable particularity to sufficiently identify the recording to which the request refers.

Only the following persons are authorized to receive disclosure of a recording pursuant to a written request:

- A person whose image or voice is in the recording;
- A personal representative of an adult person whose image or voice is in the recording, if the adult person has consented to the disclosure;
- A personal representative of a minor or of an adult person under lawful guardianship whose image or voice is in the recording;
- A personal representative of a deceased person whose image or voice is in the recording; or

- A personal representative of an adult person who is incapacitated and unable to provide consent to disclosure.

Due to the short period of time in which the Department must respond to such requests, any member receiving a written request shall immediately deliver the request by personal delivery or email to the Professional Standards Division. The Commander of the Professional Standards Division or his/her designee will immediately request a copy of the recording from the custodian of the recording and/or his/her chain of command. The custodian of the recording or his/her chain of command will provide the recording as soon as possible, but absent extenuating circumstances communicated to the Professional Standards Division Commander, no later than one business day after receiving the request from the Professional Standards Division. The recording will be reviewed by the Professional Standards Commander or his/her designee within the Professional Standards Division, along with the affected officer(s)' Assistant Chief, Deputy Chiefs, and/or Chief of Police, who will determine if disclosure to the requesting party will be allowed or denied and, if allowed, whether any redactions will occur. The following factors may be considered in making this decision:

- Whether the person requesting disclosure of the recording is a person authorized to receive disclosure;
- Whether the recording contains information that is otherwise confidential or exempt from disclosure or release under State or federal law;
- Whether disclosure would reveal information regarding a person that is of a highly sensitive personal nature;
- Whether disclosure may harm the reputation or jeopardize the safety of a person;
- Whether disclosure would create a serious threat to the fair, impartial, and orderly administration of justice; and
- Whether confidentiality is necessary to protect either an active, inactive, or potential, internal or criminal investigation.

Unless otherwise agreed to by the requesting party, within 3 business days of the Department's receipt of a written request for disclosure, the Commander of the Professional Standards Division or, in his/her absence, his/her designee, must either disclose the recording or notify the requesting party of the Department's decision not to disclose the recording and the reason(s) for such denial.

If a written request for disclosure is granted, only those portions of the recording relevant to the person's request may be disclosed. A person who receives disclosure is prohibited from recording or copying the recording.

If a written request for disclosure is denied, or if disclosure has not been provide more than 3 business days after a request is made, the person seeking the disclosure may appeal to superior court. The Chief of Police, Department personnel whose image or voice is in the recording, and the District Attorney must be notified of the appeal and given an opportunity to be heard. Any member receiving notice that a petition for disclosure has been filed shall immediately notify the police attorney or, in his/her absence, other staff of the City Attorney's Office. A judge may issue an order for disclosure if the court finds that the Department abused its discretion in denying the request. Any order issued pursuant to this procedure may not direct release of the recording.

Release Pursuant to a Court Order

Besides those releases mandated or permitted as described above, any other release of a recording must be pursuant to a court order. Any person seeking release of a recording, including the Department and its members, must petition the superior court for an order to release a recording. Any member seeking release of a recording pursuant to a court order shall make a request through the member's chain of command to the Chief of Police.

The Chief of Police must be given notice and an opportunity to be heard when a petition is filed by a person authorized to receive disclosure for release to such a person. If the petition is filed by a person not authorized to receive disclosure, or seeks release to any person other than a person authorized to receive disclosure, the Chief of Police, Department personnel whose image or voice is in the recording and the District Attorney must be given notice and an opportunity to be heard. Only portions relevant to the request may be ordered released.

EDITING OR REDACTION OF ICC RECORDINGS

The disclosure or release of recordings may require editing or redaction to limit or prevent dissemination of information that may compromise an ongoing investigation, reveal the identity of juveniles, victims, witnesses, etc. Any editing or redaction of recordings requires a court order or prior approval by the Chief of Police or his/her designee. At the direction of the Chief of Police or his/her designee, the IT Manager will coordinate the redaction of the required portions of the designated recording.

Cerelyn J. Davis
Chief of Police

	GENERAL ORDER **DURHAM POLICE DEPARTMENT** **DURHAM, NC**	**NUMBER:** **RULES & REGS R-13**

RULES & REGULATIONS R-13

Effective Date: 12/15/1995	Revision Dates: R-2 11/12/2002; R-3 06/11/2003; R-4 01/10/2005; R-5 02/01/2006; R-6 11/22/2006; R-7 07/22/2010; R-8 11/10/2010; R-9 01/31/2011; R-10 06/06/2011; R-11 11/30/2011**;** R-12 10/01/2014; **R-13 04/20/2015**

SECTION ONE: OBEDIENCE TO ORDERS, RULES AND REGULATIONS

1.1 Obedience to Rules of Conduct

Members, regardless of rank or position, shall be governed by the following general rules of conduct; general orders, special orders, standard operating procedures, and directives. Violation of any of these directives by any member of the department shall be considered sufficient cause for dismissal, demotion, suspension, or other disciplinary action.

1.2 Obedience to Laws

Members shall abide by the laws of the United States and the State of North Carolina as well as the ordinances of the City of Durham. Any member charged with any violation of any criminal law, or any traffic law or, any violation of any ordinance of the city of Durham will report such fact in writing to the Chief of Police through the appropriate chain of command.

Notification is to be made by the member on his/her next scheduled work day and shall include all pertinent facts concerning the violation.

1.3 Conduct Unbecoming Police Department Personnel

Members shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Department. Conduct unbecoming members shall include, but is not limited to, that which brings discredit upon the operation or efficiency of the Department or member.

1.4 Insubordination

Members shall promptly obey all lawful orders and directions given by supervisors including orders from a superior that may be relayed by an employee of equal or lesser rank. The failure or deliberate refusal of members to obey such orders shall be deemed insubordination and is prohibited. Displaying contempt for the authority of supervisors by showing obvious disrespect or by disputing their orders shall likewise be deemed insubordination.

1.5 Issuance of Unlawful Orders

No supervisor shall knowingly, willfully, or negligently issue an order that violates a federal or state law, or a city ordinance.

1.6 Obedience to Unjust or Improper Orders

If members receive orders they believe to be unjust or contrary to a departmental directive, they shall first advise the person issuing the order of the conflict. If the order is not canceled or modified then members must obey the order to the best of their ability. Members may later appeal questioned orders to the Chief of Police through the appropriate chain of command.

1.7 Obedience to Unlawful Orders

No member is required to obey an order that is contrary to the laws of the United States, the State of North Carolina or the ordinances of the City of Durham. A member, whom receives an unlawful order, shall first advise the person issuing the order of the conflict.

If the order is not modified or canceled then the member shall report in writing the full facts of the incident and his/her action to the Chief of Police through the appropriate chain of command.

1.8 Conflict of Orders

If a member is given an order conflicting with a prior order, the member shall promptly explain the prior order to the superior issuing the latter conflicting order. The member shall obey the latter conflicting order if so required by the superior.

SECTION TWO: ATTENTION TO DUTY

2.1 Responsibility for Knowing Law, Procedures, and Department Directives

Officers shall know the laws and ordinances they are charged with enforcing. All members shall read and be familiar with all rules, directives pertaining to their specific job, general orders, and bulletins. Members confused about the meaning of any rule or directive, shall promptly ask for an explanation from their supervisor.

2.2 Performance of Duty

Members shall be attentive to their duties at all times, and shall perform all duties assigned to them, even if such duties are not specifically assigned to them in any departmental rules or procedures manual.

2.3 Duty of Supervisors

Supervisors are responsible for ensuring their subordinates are knowledgeable of and familiar with both Department General Orders and City Personnel Policies.

Supervisors will enforce all Department Directives. They will not permit, or otherwise fail to prevent, violations of Department Directives. Any significant violation of Department Directives shall be reported to the subordinate’s immediate supervisor without delay. Where possible, supervisors will actively prevent such violations or interrupt them as necessary to ensure efficient, orderly operations whether a subordinate is in a particular supervisor’s chain of command or not. All violations will be handled in accordance with established City of Durham Personnel Policy.

2.4 Responsibility to Respect the Rights of Others

Members shall respect the rights of individuals, and shall not engage in discriminatory actions, harassing behavior (sexual or other), or favoritism. Members shall maintain a strictly impartial attitude toward complainants and violators.

2.5 Truthfulness

Members of the department shall not make false or untrue statements, unless required by their lawful duties.

2.6 Officers Always Subject to Duty

Officers within their jurisdiction shall respond to the lawful orders of supervisors and to the call of citizens in need of police assistance. The fact that officers may be technically off-duty shall not necessarily relieve them from the responsibility of taking prompt and appropriate action. Off-duty officers shall render appropriate police action in the event a violation of law occurs in their presence or is brought to the officer's immediate attention. Officers must then weigh the situation they are confronted with as opposed to their own safety and the safety of the public when determining the appropriate action to take.

For example purposes, an officer should not confront a suspect who is obviously armed when the officer is unarmed. In this situation, reporting the crime and/or being a good witness would be the correct action to be taken.

2.7 Reporting for Duty

Members shall promptly report to lineup, roll call, or other assigned duty at the time and place specified properly dressed and equipped.

2.8 Responsibility to Know Geographic Areas

Members, if required by their job, shall know the location boundaries of their assigned territories. Members also shall be familiar with the names and general locations of Durham streets and highways and the name and location of hospitals and major public buildings.

2.9 Keeping Posted on Police Department Matters

Each day while on-duty and immediately upon returning from an absence, members shall become familiar with the contents of recently issued communications and directives.

2.10 Sleeping on Duty

Sleeping while on duty is forbidden for all members.

2.11 Assisting Criminals

Members shall not communicate in any manner, directly or indirectly, any information that may delay an arrest or enable persons guilty of criminal acts to escape arrest or punishment, dispose of property or goods obtained illegally, or destroys evidence of unlawful activity.

2.12 Maintaining Communication

While members are on-duty or officially on call, they shall be directly available by normal means of communication, or shall keep their office, headquarters or supervisors informed of the means by which they may be reached when not immediately available.

2.13 Reporting Motor Vehicle Accidents and Personal Injuries

Members shall promptly, in accordance with established procedures, report the following motor vehicle accidents and personal injuries: all on-duty traffic accidents in which they are involved, all personal injuries received in the line of duty, all personal injuries not received in the line of duty but which are likely to interfere with performance of their duties, all property damage or injuries to other persons that resulted from the performance of their duties.

2.14 Reporting Address and Telephone Number

Members shall have a working telephone at their residence, and shall register their correct residence address and telephone number with their supervisor and Employee Services. Any change in address or telephone number must be promptly reported to both of the above.

2.15 Departmental Investigations

When directed by a competent authority to make a statement or furnish materials relevant to an internal department investigation, members shall comply with the directive.

2.16 Carrying and Safe Handling of Firearms

All members of the Durham Police Department, whether on or off duty, are required to handle all firearms in a safe and responsible manner. Any discharge of a firearm must be reported in accordance with General Order 4008, Use of Force. Any discharge deemed as negligent may result in disciplinary action.

The only members of the Durham Police Department authorized to carry firearms while on duty are sworn police officers. All officers are required to carry a Department approved firearm while on duty. The only exception to this is officers on special duty status, e.g. transitional, administrative, etc., will not be required to carry a firearm during the time frame of the special duty.

When off-duty, officers within the United States may, at their discretion, carry a Department-approved handgun in a concealed manner. When carrying a handgun off-duty, officers must carry an I.D. card and badge on their person.

Officer’s will not carry a weapon while consuming or under the influence of an alcoholic beverage, or taking any medication or drug that changes behavior or impairs judgment.

2.17 Registration of Firearms

All weapons carried and used by members in the performance of their official duties must be an approved weapon and registered with the Training Unit. Required registration information must be kept current.

2.18 Departmental Records

All documents and records created or received by an employee in the course and scope of their employment with the City are the property of the City of Durham.

All documents associated with a police report must be submitted to the Records Division within 72 hours of creation/receipt unless policy dictates otherwise. All documents submitted must contain the appropriate incident report number.

A member shall not steal, alter, forge, tamper with or remove from its appropriate location any official document or record regardless of medium. This includes, but is not limited to reports, records, citations, complaints, photographs, tape recordings, computer disc or tape, etc. Any information added to any document shall be done on a separate amended report except for routine clerical notations such as coding information.

Original records or documents shall not be removed from the Records Unit unless pursuant to subpoena or with permission of the Police Records Administrator or his/her designee.

2.19 Personally Owned Recording Devices

The use of personally owned video or audio recording/photographing devices (digital recorders, cell phones, cameras, etc…) is strictly prohibited in the performance of duty for recording evidence or incident related information.

2.20 Illness

Any member who is absent from duty because of illness must notify appropriate supervisory personnel in accordance with appropriate Division SOP

A Division or District Commander, or on-duty Watch Commander may take all necessary steps to prevent abuses, including dispatching a supervisor, nurse or physician to verify illness, or requiring a medical examination as evidence of medical status.

2.21 Use of Department Vehicles for Citizen Transport

Citizens shall not be transported in a departmental vehicle unless authorized by a supervisor. The authorizing supervisor may impose restrictions upon any authorization to ride in a departmental vehicle. Permission for a member of the public to ride in a departmental vehicle for the purpose of observing police function is at the discretion of the authorizing supervisor. The person riding in a departmental vehicle, for the purposes of observing, shall sign a waiver of liability.

2.22 Removing Papers from Court Offices

Officers shall not remove official papers or documents from any court office. If an officer needs to photocopy an arrest report, etc., the officer should do so prior to submitting them to the appropriate judicial official. This Rule should not be interpreted to prohibit the lawful removal of documents such as warrants, orders for arrests, etc. for the purposes of carrying out law enforcement functions.

2.23 Arrest of Police Officers

Any time a Durham Police officer arrests another law enforcement officer of this or any other agency, the arresting officer is to notify his/her immediate supervisor as soon as the arresting officer is aware of the identity and employment of the arrestee. That supervisor will immediately notify his/her chain of command and the District Attorney.

If the District Attorney cannot be contacted, the supervisor is to notify a member of the District Attorney's staff or that member of the District Attorney's staff on call.

Any time a Durham Police Officer is arrested, that officer is to notify his/her supervisor as soon as possible. The officer is to provide details of the arrest such as date, time, location and charge. The supervisor is to notify his/her chain of command and Professional Standards/Internal Affairs Unit. The Bureau Commander will notify the District Attorney of the county in which the officer was arrested as soon as practical.

2.25 Traffic Stops in Personal Vehicles

Off-duty officers in their personal vehicles shall not stop or attempt to stop motorists for traffic violations or other minor offenses. Calling for on-duty assistance in such cases is recommended.

2.26 Traffic Crashes in Personal Vehicles

All Department members shall report all off-duty traffic crashes that they are involved in as an operator of a vehicle to the Chief of Police through their chain of command. This report shall include, at a minimum, the date, time, and location of the crash, along with the name of the investigating police agency, name of the investigating police officer, and police report number of the crash. This section shall apply to all traffic crashes that are reported to the police, regardless of fault, jurisdiction or location of the crash, vehicle ownership, or any other concern. Any reports required by this section shall be made in writing as soon as possible after the traffic crash, but no later than 96 hours after the crash occurs. If the traffic crash occurs outside of North Carolina, the report must be made within 96 hours of returning to this state.

2.27 Safe Operation of City Vehicles

All members are required to operate city vehicles in a safe manner at all times. Members shall operate city vehicles in accordance with applicable laws including having a zero percent blood alcohol content. Member operators involved in a collision or a complaint where it was determined that applicable laws or department or city policy was violated will be subject to disciplinary action.

SECTION THREE: EMPLOYEE RELATIONS

3.1 Respect for Fellow Employees

Members shall treat other members of the department with respect. They shall be courteous, civil and respectful of their superior officers, subordinate employees and associates and shall not use threatening or insulting language.

3.2 Supporting Fellow Members

Members shall cooperate, support and assist each other whenever necessary.

3.3 Interfering with Cases or Operations

Members shall not interfere with cases assigned to others. Members shall not interfere with the work or operations of any unit in the department or the work or operations of other governmental agencies.

Members against whom a complaint has been made shall not attempt directly or indirectly, by threat, appeal, persuasion, payment of money or other consideration, to secure the abandonment or withdrawal of the complaint, charge, allegation, or investigation.

3.4 Cooperation with Other Agencies

Members shall, upon request, cooperate with all governmental agencies by providing whatever aid or information such agencies are entitled to receive.

SECTION FOUR: RESTRICTIONS ON BEHAVIOR

4.1 Self-Assigned Investigations

Members initiating police-related investigations as a result of an off-duty incident or personal situation shall immediately notify their immediate supervisor of the nature of the situation. No member is to begin or continue a self-initiated investigation without supervisory approval whether on or off-duty.

4.2 Civil Controversies

Members shall not exceed their authority when dealing with persons engaged in a civil controversy.

4.3 Soliciting and Accepting Gifts, Gratuities, and/or Privileges

Unless approved by the Chief of Police, members of the Durham Police Department may not accept any reward, gratuity, gift, other compensation or special privilege for any service performed as a result of or in conjunction with their duties as members of the Department regardless of whether the service was performed while said persons were on or off-duty. This will include items such as free admission to places of amusement, discounts on purchases or free or discounted meals and/or refreshments.

Members also shall not solicit any gift, gratuity, loan, present, fee or reward for personal gain. This rule is not intended to prevent members from engaging in approved off-duty employment which is in compliance with Department General Order.

Businesses or individuals who demonstrate their support for the police by offering discounts should be handled with sensitivity; even to the point of leaving a tip commensurate with the full amount of the bill.

This rule is not intended to prevent members from accepting special discounts, etc. which are offered to City employees in accordance with City policy.

4.4 Gifts from Suspects, Prisoners, etc.

Members are strictly prohibited from soliciting or accepting any gift, gratuity, loan, fee or other item of value. Acceptance of gifts is forbidden from any suspect, prisoner, defendant or other interested party involved in any official department matter, professional bondsmen, or other persons whose vocations or activity may profit from information obtained from the Police Department.

4.5 Reporting Bribe Offers

If members receive bribe offers, they shall immediately make a written report to their supervisor.

4.6 Soliciting and Accepting Special Privileges – Added to Rule 4.3

4.7 Giving Testimonials and Seeking Publicity

Members shall not use their official position to give testimonials or permit their names to be used for commercial advertising purposes. Members also shall not seek personal publicity either directly or indirectly in

the course of their employment. This shall not restrict members from engaging in approved outside employment or business activity.

4.8 Departmental Correspondence

Members shall not exceed their authority when entering into official correspondence.

4.9 Purchase and Use of Alcohol, Drugs, and Lottery Tickets

Members shall not purchase or consume alcoholic beverages while on duty or in uniform, unless such act is in their official capacity and specifically authorized by a superior. Members shall not purchase or consume a malt beverage that is advertised as being non-alcoholic in nature while on duty or in uniform.

Members shall not report for scheduled duty with the odor of intoxicating liquor on or about their person, or under the influence of any drug which may appreciably impair their ability to perform all duties. If off-duty members are called back for unscheduled duty and have been consuming intoxicating beverages, or taking any other drug which would impair their ability to drive and/or perform assigned tasks, that information shall be made available to the person making the call by the officer being called to duty. At this point, the person making the call shall relay the information to the Watch Commander or other appropriate authority for determination as to the member's fitness for duty.

Members shall not purchase any North Carolina Educational Lottery device while on-duty or in uniform, unless acting in their official capacity and specifically authorized by a superior.

4.10 Seeking Personal Preferment

Members shall not solicit petitions or seek the intervention of any person outside the department for purposes of personal preferment, advantage, transfer, advancement, promotion or change of duty for themselves or for any other person.

4.11 Criticism of the Department

Members shall neither publicly nor internally criticize or ridicule the Department or its policies, city officials or other employees by speech, writing, or other expression, where such speech, writing, or other expression is defamatory, obscene, unlawful, undermines the effectiveness of the department, interferes with the maintenance of discipline, or is made with reckless disregard for the truth.

4.12 Disruptive Activities

Members shall not perform any actions which tend to disrupt the performance of official duties and obligations of members of the department or which tend to interfere with or subvert the reasonable supervision or proper discipline of members of the department.

4.13 Operation and Use of Police Radios

The operation and use of police radios is restricted to authorized and official police business. Personal conversations, using vulgar, inappropriate or obscene language, making unnecessary sounds, or the transmission of unofficial communications are not permitted.

4.14 Use of Discriminatory Jokes and Slurs

No member shall engage in any form of speech likely to be construed as a racial, sexual, or religious slur or joke, whether in the presence of citizens or of other members.

4.15 Debts

A member shall not borrow from or be indebted to any person whose activities are known by that member to involve frequent contact with persons charged with or convicted of serious crimes or whose business requires more than customary regulation by the department.

Specifically prohibited is any loan or indebtedness to any person known by the member to have a criminal record of a felony or a serious misdemeanor conviction; any person known by the member to be engaged in a criminal activity or associated with persons engaged in criminal activity; any attorney-at-law, bail bondsman, pawnbroker, or employee thereof, other than for services rendered to the member.

A member shall not contract just debts that he/she is unable to pay within a reasonable time.

4.16 Off-Duty Employment

Off-duty employment is any service or business owned, operated, managed, or worked by any member of the Department which is not arranged or approved by the Department and is outside of one's regular assignment with the Durham Police Department**.** This may include work that is volunteered or provided without compensation.

Department employees may not engage in any off-duty employment that is reasonably likely to reflect unfavorably upon the Department or the employee, impair the operational efficiency of the Department, create a conflict of interest, or adversely affect the Department.

While not an exhaustive list, employees are specifically prohibited from engaging in the following types of off-duty employment:

Employment at establishments or with any service or business which sells merchandise of a sexual or pornographic nature as their primary source of revenue or otherwise provides entertainment or services of a sexual nature;

Employment as a process server, bail bondsman, property re-possessor, bill collector, tower of vehicles, or in any other employment in which Department authority might be used to collect money or merchandise for private or commercial purposes;

Employment with a wrecker/towing service or any business that involves selling or doing business with wrecker/towing services.

Private investigations or any employment which requires the employee to utilize Department information systems, files, records, or services as a condition of employment;

Establishments involved in a strike or labor dispute;

Employment at alcohol establishments where the on premise sale and consumption of alcohol is the primary source of revenue. For the purpose of this rule, events such as festivals, sporting events, and concerts will not be considered alcohol establishments;

Employment at any establishment of any type if the sworn member will be required to sell or serve alcoholic beverages for on-premises consumption. Also, members will not be permitted to obtain ABC permits in their name;

Employment at establishments which promote, engage in, or allow unlawful gambling, "internet cafes" or similar establishments;

Employment that involves case preparation for the defense in any criminal or civil action or preceding that is related to a criminal action;

Establishments against which the City has initiated or filed an administrative or civil action;

At any business or with any group that is under investigation for illegal conduct or that may bring the member in conflict with an investigation or enforcement action by a law enforcement agency.

Off-duty employment must not conflict with the employee's hours of municipal employment or with the satisfactory and impartial performance of municipal duties.

Employees may not use Police Department equipment, uniforms, or vehicles in any way for any off-duty employer.

All employees engaging in off-duty employment must also comply with City Policy HRM-801-808 Employee Ethics and complete the appropriate "Outside Employment Form" and/or "Conflict of Interest Disclosure". These forms must be submitted through the employee's chain of command to the Deputy Chief.

4.17 Involvement in Governmental Investigations

Any member of the Department who is under investigation by any governmental agency will immediately notify the Chief of Police in writing, through their Chain of Command. The notification must include the reason and circumstances surrounding the investigation.

4.18 Posting Bond

In the event any member of the Department posts bond for another individual, they must immediately notify the Chief of Police in writing, through their Chain of Command. This notification must explain the reason and circumstances behind the action.

SECTION FIVE: IDENTIFICATION AND RECOGNITION

5.1 Giving Name and Employee Number

While in the performance of their duties, members shall give their name and employee number to any person reasonably requesting such facts unless doing so would interfere with the successful completion of a police assignment. This includes providing verbal identification over the telephone.

5.2 Carrying Official Identification

All sworn and non-sworn police department employees wearing civilian clothing while in police headquarters must wear their identification card affixed to their clothing in a visible manner.

Members shall carry their official identification on their persons at all times, as required for the performance of their duties.

5.3 Personal Business Cards

Members are not permitted to use a department title, city telephone number, or refer to their city employment in any manner on personal, non-Police Department, stationery or business cards.

5.4 Exchange, Alteration or Transfer of Badge

The badge shall not be altered or exchanged between members or transferred to another person except by order of the Chief of Police.

5.5 Plainclothes Members-Identification

A uniformed member shall neither acknowledge nor show recognition of another member in civilian clothes unless that member first addresses the uniformed member. This is to prevent injury or damage to a police operation in the event the member is working in an undercover capacity.

SECTION SIX: MAINTENANCE OF PROPERTY

6.1 Use of City Property or Services

Members shall not use or provide any city equipment or service other than for official city business.

6.2 Responsibility for City Property

Each member is responsible for protecting departmental equipment against loss, damage, or destruction.

6.3 Reporting Needed Repairs

Members shall promptly report to their supervisors the need to repair any city-owned property.

6.4 Responsibility for Private Property

Members are responsible for protecting and safeguarding private property or equipment that has come into their possession by reason of their official duties.

6.5 Property and Evidence

Members shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence held in connection with an investigation or other official action except in accordance with established procedure.

Members are prohibited from distributing, duplicating, or converting for personal use any hardcopy or digital file/media containing any incident, investigation, or evidence related information.

6.6 Alteration or Modification of Police Equipment

Members shall not use any equipment that does not conform to departmental policy or specifications. All equipment shall be carried and utilized only as issued and authorized, and no changes, alterations, modifications shall be made to such equipment unless approved by the Chief of Police.

SECTION SEVEN: RELATIONSHIPS WITH COURTS AND ATTORNEYS

7.1 Attendance in Court

Members, including those on transitional duty, must arrive on time for all required court appearances and be prepared to testify. Members must be appropriately dressed, based on assignment, in either business attire or the Department uniform. The Notification to the District Attorney’s office Vacation/Medical/School form must be

completed for all approved court absences 30 days prior to the court date and hand delivered or faxed to the Department Court Liaison and District Attorney's office. Officer's must retain a signature receipt or copy of the fax transmittal form showing the date and time in order to prove notification was made. In the event of an on- or off-the-job injury absence, the form must be completed as soon as the member is aware of the necessary absence from court and submitted as stated above.

7.2 Recommending Attorneys or Bonding Agents

Members shall not suggest, recommend, advise or counsel the retention of a specific attorney or bonding agents to any person (except relatives) coming to their attention as a result of police business.

This rule shall not restrict members from referring persons to Legal Aid Services.

7.3 Testifying for a Defendant

Any member subpoenaed or requested to testify for a defendant in a criminal action or against the City of Durham or against the interests of the department in any hearing or trial, shall immediately notify the Chief of Police through the appropriate chain of command.

7.4 Interviews with Attorneys

In civil litigation matters involving the Department, interviews between a member and a complainant's attorney about a case arising from the member's employment by the department shall be done in the presence of or with the knowledge and consent of the member's commanding officer.

7.5 Assisting in Civil Cases

Members shall not serve civil-process papers nor render assistance in civil cases except as required by law.

7.6 Testifying in Civil Cases

Members shall not volunteer to testify in civil actions in a case arising out of their employment where the city is a defendant.

7.7 Notice of Lawsuits against Officers

Members who have had a suit filed against them because of an act performed in the line of duty shall within three (3) business days notify the Senior Police Attorney in writing and furnish a copy of the complaint as well as a full and accurate account of the circumstances in question**.**

Jose L. Lopez, Sr.
Chief of Police